

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SIXTH DAY
APRIL 8, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

P.O. POSTAL:

Good morning, ladies and gentlemen. Would everyone rise for a salute to the flag, led by Legislator Lindsay.

(Salutation)

Please remain standing. We're going to have our invocation led by Rabbi Howard Hoffman. And is Legislator Fisher? While we're waiting, I'm sure we can all use a moment of silence in respect for those Americans who have lost their lives or have been injured in Iraq, so let's have a moment of silence.

(Moment of Silence)

Thank you. And I would like to introduce Legislator Fisher. Is she here? No. Well, let's have the Rabbi for our invocation.

RABBI HOFFMAN:

Dear God, we are here in safety, when so many of our countrymen are in harms way on battle fields, in the air, and on ships at sea, on secret missions, or simply doing their duty to make our lives safe and to bring freedom to another people. Look down on them and protect them with kindness and love, and bring them home safe to their families and their land. Make us aware that we, too, have a role to play in the spelling out of freedom, and of morality in a world that often misconstrues the meaning of America.

Help us to be worthy of the highest ideals for which our nation stands, in the work that we do here in this Legislature, and in the relationships that we form in dealing with our countrymen. May your blessings rest upon us as we go about our daily tasks, and view us with wisdom and understanding to see that what we do here affects the quality of the future. That integrity and goodness are local as well as international, peaceful and diplomatic, as well as war-like and demanding.

May our deliberations and actions be part of the ongoing effort to make America a place of freedom and goodness for all its residents, and a beacon of light for all who thirst for better lives the world over. Amen.

P.O. POSTAL:

Please, be seated. Legislator Angie Carpenter for a presentation of a proclamation, along with Legislator Cameron Alden.

LEG. CARPENTER:

Thank you, Presiding Officer. I've asked Legislator Alden to join me, since we both represent the Bay Shore community, and many of the students that participated in this initiative came from various parts of the Bay Shore community.

This morning, I've chosen to recognize Whitney Boulton, who is a student at Bay Shore High School, she's a senior, and I'd ask Whitney if she would please join me.

Whitney has been named one of New York State's top volunteers for 2003 by the Prudential Spirit of Community Awards. For many years, Whitney heard stories about how the streams in Bay Shore were so beautiful from her dad, and when she saw some of them and saw the debris

and everything that was being collected, it really upset her, being very dedicated to the environment as she is. So Whitney organized the "Stream Team" at Bay Shore High School and went through organizing the effort, getting over 50 volunteers, and proceeded to have two separate cleanup days, and collected four dumpsters worth of debris, including tires and a tombstone, believe it or not, they found in the stream, shopping carts, and all kinds of assorted debris. And it's Whitney's hope that this will be perpetuated as a club at Bay Shore High School. And I'm sure, with your sister, Morgan, coming up behind you, that this, in fact, will happen. So, if everyone would join me in recognizing Whitney as truly one of the special residents of this great county of ours.

(Applause)

LEG. ALDEN:

Just to mention, her whole family, there's another generation of people that are very dedicated to the community, and a very talented young lady. And I just want to compliment her mother and father, too, on their community service.

LEG. CARPENTER:

Thank you

(Applause)

P.O. POSTAL:

Our next honoree is a young man who has proven once more that education on Long Island is at a pinnacle, and that our students achieve so incredibly well that we're recognized all over this country for our extremely well educated population. And I'm going to have the great honor today of presenting a proclamation to Lester Wayne Mackey, II from Half Hollow Hills High School, who is an Intel winner, World Master Challenge winner, and so many other things. So I'm going to ask Mr. Mackey to join me at the podium.

(Applause)

You know, Legislator Binder is joining me, because, not only does he share the pleasure of having Half Hollow Hills students achieve this enormous accomplishment of being named Intel winners, but he's actually a graduate of Half Hollow Hills, so --

LEG. BINDER:

West.

LEG. BINDER:

Right, right.

P.O. POSTAL:

Oh, even more specific. Lester Wayne Mackey is a remarkable young man. He happens to go to an extraordinary school district, which helps him to maximize his natural talents. But this is a young man who, as I remember, went to the Long Island School for the Gifted? Right. So that even at a very young age, he displayed his incredible intellectual achievements. And as he went through that school, he was guided by his intellectual ability rather than his chronological ability, so he moved very rapidly through courses at the elementary level that we would anticipate students taking in high school, and, as a result, he's achieved repeatedly. He's received an award for the World Masters Challenge. He was only one of 22 students who scored perfectly. He earned a sixteen hundred on the SAT's, and all of us moms and dads who have --

(Applause)

-- watched our kids prepare for the SAT's and waited with great anxiety for the envelope know that sixteen hundred is a perfect score. So he has achieved a National Merit Semifinalist status. And I can tell you from experience that if you don't get, say, a fifteen hundred on your SAT's, you're not going to be a National Merit Semifinalist.

AUDIENCE MEMBER:

He's a finalist.

P.O. POSTAL:

He's a finalist now. That's wonderful, because that's where the scholarship money is, and that's truly extraordinary. I don't know how many students across this country achieve National Merit Finalist status, but I can bet you it's a very, very small number. And I could go on and on, but the point is that this is a young man who has come from Long Island, who is a tribute, not only to his family, not only to his community, but a tribute to our fine educational system. We're very proud of him, we know that this is an enormous achievement, and we hope that after he

finishes his education, he'll come back to Long Island, because we not only need him, but we know that he's going to be one of the leaders of Long Island in the future. So we congratulate you.

(Applause)

P.O. POSTAL:

Legislator Nowick for a proclamation.

LEG. NOWICK:

Yes. Brandon, would you like to come up here, please?

MR. EMBER:

Sure.

LEG. NOWICK:

Would you like to bring your family as well? No?

MR. EMBER:

No, she'll stay.

LEG. NOWICK:

Good morning. Today, I have the pleasure of presenting Brandon Imber a proclamation and a congratulations from the Suffolk County Legislature, and -- come on in closer. I really do have to read to the Legislature and to the audience what this young man has done, because you have to hear this. Besides being recognized for his accomplishments in Science, Math and Technology, among the finalists in this year's search, Half Hollow Hills High School West student Brandon Imber --

AUDIENCE MEMBER:

Commack.

LEG. NOWICK:

Commack. Okay, I'm sorry. Listen to the project. "The Blackberry Cluster Thermodynamic

Equilibrium and Potential Medical Applications of Giant Nanoscale Inorganic Molecules in Solution". Can you say that fast three times? That's wonderful. I don't know what it means, but the sounds like it's incredible.

His other achievements include the Coca Cola scholarship finalist, one of 250 nationwide, National Merit Competition winner, Target All-Around Scholarship winner, Toyota Community Scholar Semifinalist, and having been accepted to Harvard University Early Action. That's pretty good, I think.

Brandon, this is a wonderful thing. You are the kind of young man that we are all proud of, we look up to. You make our United States a better United States. And I can't help thinking, when I see the accomplishments in science, math, I'm a woman that can't balance my checkbook, this is -- I have young daughters a little older than you, one of which has failed math twice. But, however, put her in Macy's and she can do 60% off, so, I guess -- Brandon, we're very, very proud of you in the Suffolk County Legislature. Continue your good work in school. Congratulations.

(Applause)

P.O. POSTAL:

Legislator Binder, for purposes of a presentation.

LEG. BINDER:

Thank you. Let me ask {Hison} Choi to come up.

MS. CHOI:

It's Hyeyeon Choi.

LEG. BINDER:

Oh, I'm sorry.

MS. CHOI:

It's Hyeyeon Choi.

LEG. BINDER:

Hyeyeon Choi? Hyeyeon Choi. It would be good if they did the English the way it's pronounced. They change English a little, the English spelling, so it would -- okay. I have the honor and privilege of coming up twice, because Half Hollow Hills has two Intel Finalists. I in 1979 graduated from Half Hollow Hills, so -- Half Hollow Hills West, but we have Half Hollow Hills East, and I know there's sometimes a little tension between the two schools, but the truth is that we have wonderful students in both high schools in the Half Hollow Hills School District and a great education. And the fact is that we turn out school -- students with not only great academics, but good people in terms of the morals, ethics, and the kind of people they are, well rounded students. And I am very happy and honored to present this proclamation.

Here we have not only an Intel Finalist, again, but we have someone who's a finalist at the Long Island Science Engineering Fair, inducted in the Long Island Technology Hall of Fame, a semifinalist at the Seaman's Westinghouse competition in Math, Science and Technology, besides being in National Honor Society, Spanish Honor Society, National Science Merit, All American Scholar. Where are you going to school? It doesn't say it on here.

MS. CHOI:

In Cooper Union, I think.

LEG. BINDER:

And Cooper Union, she thinks. Well, I hope it all works out. We have -- we are really blessed in Long Island, not only in Half Hollow Hills, I guess I have a bit of a bias, but all across Long Island. We have some of the finest schools in the country, and so we turn out some of the -- really, some of the best students.

And, again, as Legislator Postal had said, I hope you come back, join us here, after you finish your schooling, because we need people like you to help recreate constantly our community. And without people like you, where would we be? And so I want to congratulate you and thank you for all your efforts, all your work, because this doesn't come without work. And also say for all the families, this is not just something that students do, this is something that families do together. Without your parents and without your extended family, brothers, sisters of all of you, this doesn't happen, and it takes a lot of time and effort. I know you probably lock yourselves away periodically to do a little of this work. And I'm sure they're all very supportive, and it's a wonderful thing that you've done. And continue, continue doing it, because we're all behind you. Thanks.

(Applause)

P.O. POSTAL:

Legislator Fisher, for purposes of a presentation.

LEG. VILORIA-FISHER:

Thank you, Madam Chair. Two years ago, to mark April as "Poetry Month", I invited a poet to come here to the Legislature. Her name is Linda Oper. She read a couple of her poems and I read a couple of her poems, and it was received very well here at the Legislature. And we saw the importance in promoting poetry and educating people about the importance of poetry and the beauty of poetry in our culture.

With the success of that one introduction of poetry, I realized that it would certainly be much better -- a much better representation for all of us if we had a panel formed that would choose the Poet Laureate for Suffolk County, rather than my just bringing someone here unilaterally. It seemed to make sense to have a Task Force brought together to choose a poet who has a body of work that has been recognized, who has a presence in the community to represent the poets of Long Island. So I introduced a resolution last year putting together this Task Force.

I would like the members of that Task Force to please come forward. Walter, Irving, Lenny, Barbara. If you could just all stand over here for a couple of minutes.

These are some of the members of the Task Force that worked very hard on, number one, setting up the criteria, which they would use to choose a Poet Laureate, and they were really -- you know, sometimes we have these Task Forces and we ask how often they meet and whether or not people are present. Well, I couldn't keep these people from meeting. They sometimes met twice in one week. They were so dedicated to the purpose and they chose by consensus a man whom I think we all feel is someone who will promote poetry in Suffolk County, who will educate the people of Suffolk County as to the importance of poetry, and who himself is a very successful and well recognized poet. And I introduce to you now our Poet Laureate, our first Poet Laureate, so we are making history here today, the first Poet Laureate of Suffolk County, George Wallace.

(Applause)

Congratulations. Congratulations, George.

MR. WALLACE:

Thank you.

MR. STROVINK:

Legislator Fisher, can I get a shot up here with everyone?

LEG. VILORIA-FISHER:

Yes, with everyone. I think George might want to say a couple of words first. Okay?

MR. WALLACE:

Well, yes. This is my opportunity to say a few words before the Legislature. Good to see so many friends in the audience and here at the horseshoe. It's been a very interesting week above the radar. I understand a little bit better of what you go through. I've learned that I'm wonderful, unnecessary, badly dressed, that I shouldn't talk to you. I've learned a lot through the press about myself in the past week, and it should be an interesting year. There's a lot that you can learn about yourself by reading about yourself. I did wear color today and I'm pleased to say that. Today's a --

LEG. VILORIA-FISHER:

And, by the way, he received this accolade very humbly. It was certainly something that came upon you. The people who were on the panel chose of their own accord to set up their criteria and went through all of the long list, created a short list, and George was the person that was best suited to this position chosen by the Task Force.

(Applause)

MR. WALLACE:

Thank you.

LEG. VILORIA-FISHER:

I just wanted to clarify that.

MR. WALLACE:

I won't take a lot of your time. I do want to say just a couple of words, if I may.

LEG. VILORIA-FISHER:

Oh, we're going to stand here and listen to your poem.

MR. WALLACE:

Yes. Oh, yeah, I'll read a poem. This past Sunday, I had a chance to read with a number of other people the entire book, "The Little Prince", by Antoine de Saint-Exupery, the second largest published book in the world after the Bible, which was written here in Suffolk County. Antoine de Saint-Exupery wrote it in 1943. April 6th, 60 years ago it was published, so that makes this the 60th birthday of "The Little Prince". And in that book, there is one phrase that jumped out at me that I think is worth noting. He says that, "One sees clearly only with the heart, anything essential is invisible to the eyes." And by saying that, I think he is expressing the fact that there's different ways that we see the world, whether it's the political view of the world, or as businessmen, or as professors, or as the press, or as private citizens. But one way that it's important that artists can add to our vision of the world and any other capacities is how we do it as writers and as artists, and that's my goal, to be able to do that, and to collaborate with other aspects, whether it's the press or politics, or government, or priests, or the -- or professors, all these different areas of activity. If I can help that to happen, unafraid to be myself as an artist, to encourage the artists of Suffolk County and the poets to do that as well, I think that will have accomplished the first good year of which the many great years of Poet Laureate of Suffolk County.

I want to thank you for the opportunity.

And I'll read you a poem, if I may. This poem was published almost perfectly. It's called "Black Eyed Susans".

I see the bright of this, our still young and hopeful nation, more in a parking lot weed than in the display of its proud public gardens. Untamed as the original North American, wild, outwitting us to the last, and filled with the breath cognate-wide of unplanned vitality. In the lowest dandelion, in the fairy clover, in the dusty sway of goldenrod where two highways merge, the ragged memory of prairie grasslands calls out to me, and praises still sung to the sun-rippled expanse of northern forest. I leave to Europe the curve and grace of horticultural refinement, manicured intention, and tired topiary imagination, and rather stoop to worship here, even in

this crumbling bit of earth, your voice, America, stubborn, plain, strangely triumphant. So long as a single unplanned flower raises up its head to greet the expectant sun, I, too, will greet in celebration the promise of your ragged wonderful world, which is reason why we came here in the first place, and, yes, pretty as a patch of Black Eyed Susans. Thank you.

(Applause)

LEG. VILORIA-FISHER:

You could see why he's our Poet Laureate. We have two additional guests with us today. Walter Wojcik, who's a member of our Task Force, is a High School Teacher at Copiague High School. He is an extraordinary English teacher. He has made poetry come alive in his high school. He has engaged students in the art of poetry. And we introduced and announced the Poet Laureate at Copiague High School last week. Two of his students, who are poets themselves, have come here to join us today. Can you, please? Walter, did they bring something to read, or they're just here to celebrate with us? And they will just briefly read their own poetry or interpretation of one of George's poems. Is any of the other -- he is the Suffolk County Poet Laureate, so if anyone else would like to join us, you're welcome.

MS. MEEHAN:

This poem is entitled "Willow". My crying is silenced. All my tears borne away on the wind. I stand here naked before the expanse, but do not shiver. I do not shiver, because I am not cold. My blood, sluggish and heavy, ready to have rest, warms me, as it has before. I watch giants fall, watch their feathery thoughts scattered to the winds, reach ever downward to caress their foreheads, lull their tired limbs to sleep. I welcome the icy breath that frosts my gnarled skin, welcome it with icicle tears and green dreams. Braiding the bitter winds, my fingers scarcely notice the temperature. I am not afraid, because I will be made anew. I do not yield, I simply change direction. Come the spring, I will be reborn.

(Applause)

MR. MERENDA:

This poem is called "Tears". The tears that you spill have no true meaning, have no power, will not bring back, will not undue, will not relieve. The tears that you spill will fall to the earth, will drain to the soil or evaporate to the clouds, to fall once again as rain, to blend with all the tears fallen, to collect more tears. Our tears will never stop falling. Tears still fall for Christ, tears still

fall for Caesar, tears still fall for Kennedy, tears fall yet for those alive, falling as raindrops.

LEG. VILORIA-FISHER:

Thank you very much.

P.O. POSTAL:

Thank you. We will have additional presentations later today. Legislator Foley and Legislator Caracciolo will be making presentations to honorees who cannot be here until later. And I'm just reminding all Legislators that at 12:30, we will have our official photo, so please be aware that at 12:30, remain in the auditorium.

We're now going to have presentations by County officials. We'll begin with Todd Johnson. Wait a minute. Wait a minute. We're just trying to get -- okay, Todd. Thank you.

MR. JOHNSON:

Sure. Good morning, Presiding Officer Postal, Deputy Presiding Officer Caracappa, and Legislators. I want to thank you for giving me a few moments this morning to give the County Executive report. A few things have certainly happened since last the Legislature got together that will certainly put our job and responsibilities here in perspective, but still, certainly, there are things that lie before us that need to be addressed, that still need to be done.

I'd like to tell you that, first of all, there is a couple of resolutions that I'd like you to make note of. I.R. 1081 and 1082, dealing with the Empire Zone developments in Riverhead and Babylon, and so forth, we're going to ask that you table these resolutions today, as there is a recent Memorandum of Understanding that's been issued by Riverhead and we're going to try to accommodate these changes, so we're going to ask you to table that for a cycle, please.

As far as Certificates of Necessity, I do have a few Certificates of Necessity here that we are considering and would like you to consider this morning. One of them is concerning a transfer of monies through the Health Department that are going to be used to reimburse the General Fund. The amount is about \$906,000 that we're going to be charging back for the administrative and other departmental costs that have been incurred relating to the Suffolk County Health Plan.

The second item is we have a corrected copy, as we've worked out with Legislator Towle an

amended version of the seizure and distribution of forfeit assets law that we think works out and settles some issues that were remaining.

We also have, at the request of the Presiding Officer and the request of the Department of Real Estate, a Local Law 16 that we're trying to move forward to try to facilitate the transfer of property in time for a willing owner who is up against a deadline for financing.

We also have a CN that we're going to be presenting for -- I believe we're going to be presenting it, which we certainly are considering it, the revamping of the Downtown Revitalization. This policy, which was established via -- or was presented and adopted at the last meeting. We do have what we'd like to offer as an alternative measure, which we think is flexible and meets some of the concerns we have that were voiced in our veto message.

There are two other CN's that were going to be considered, and I believe that Tom Isles is here and Christine Costigan. They can maybe expand on it a little bit and give you some more details as to why the urgency is present for these land acquisitions.

I also have, at the request of BRO, a CN for technical correction for a resolution that was approved at the last meeting. It's really a scrivener's error, but it's substantial enough that it does require a resolution to be passed.

We also are going to be considering -- we also have set before you two veto messages, which you're going to be considering today, one on Downtown Revitalization. And we hope that you will take our suggestion, as it's been set in the veto message, to consider what we hope is a more flexible and a suggested solution to the issue, which the County Executive and the Legislature are both very concerned about. This is concerning the expenditures of vast amounts of money that the County is dealing in capital projects and development, office space, leasing, throughout the County, and we think it was -- it would be a good idea to try to direct that to downtown areas. But we'd like to try to do it in a way that we feel is a practical and flexible, and is something which is consistent with the interests of the local community, the taxpayers, and the policy set forth by this body. We hope you will read the veto message and we hope it proves persuasive.

The other item is an issue with regard to some local grants and that have been sent out by Legislators, and we understand that this is an area that is very important to your local

communities and on a district basis. We ask you to see that we're not asking you not to support these organizations, we think they are all worthy organizations, what we're asking for is just if you would show possibly a little restraint as we work out and face the budget deficit issues that are before us. And at a future time, possibly, after we have a full plan in place to deal with the fiscal challenges that are in front of us, we can reconsider these items. We hope that that item also in the message is also persuasive to you.

I don't have any requests for any departmental officials to be here, none that have been communicated to me, besides Tom being here to talk about the CN's. If anybody does have anything, please, do let me know and I'll try accommodate that. And if there are any questions from any Legislatures, I'll certainly --

LEG. LINDSAY:

I have a question.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. Todd, two weeks ago, at the Safety meeting, we found out that some of our prisoners are being shipped Upstate, because our waivers were being removed. It was 19 at the time, I believe it's up to 50 now. But, at the same time, this Legislature approved some preliminary money to put out an RFP to build a new jail, which we were told, if this is accelerated, would stop this process of removing our waivers. At that time, the RFP was still not put out yet on the street. Has anything come up with that? I mean, is there any urgency there yet?

MR. JOHNSON:

I know -- as far as the RFP? I know that this has been something that has, as you said, been developing over the past two years, I think it is, if not more, with regard to the RFP process. My understanding is that through the County Attorney's Office and the Sheriff's Department, that there was a great deal of progress, and I think that we're moving forward with a resolution to build the jails. As a matter of fact, I believe that's been filed. I can check.

LEG. LINDSAY:

It isn't -- it isn't a matter of being filed. We were told last December at this body, if we didn't

approve this money, that the waivers would be removed. We approved the money and, administratively, nothing was done with it. And as a result of that, we have 50 prisoners Upstate. We're paying for that on a daily basis. And my question is, administratively, has this process been moved forward?

MR. JOHNSON:

I believe that there has been action on it. I'll have to talk to the County Attorney's Office to see exactly what's happened in the last two weeks since -- since the committee meeting was held and you were last updated on this issue.

LEG. LINDSAY:

Because we can understand, you know, the County Executive vetoed a \$300,000 appropriation for our local districts, we understand the fiscal crisis, but while he's vetoing that, it probably costs us, what, four times more than that to ship these prisoners Upstate?

MR. JOHNSON:

Yeah. I think that's why everybody here is supporting the increase in the addition to the Riverhead County Jail.

LEG. LINDSAY:

The preliminary steps have been approved. We want it moved administratively.

MR. JOHNSON:

I'll find out what the status is.

LEG. FOLEY:

Madam Chair. Madam Chair.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Given the urgency of the issue that all 18 Legislators have with this, not just the committee, and given the fact that we won't be meeting again until the end of the month, the answer that Legislator Lindsay's looking for and we're looking for we should receive before the end of this

working day.

Now, the second point I would raise, given the fact, also, as Legislator Lindsay mentioned, that the RFP is supposed to be moving forward, it demonstrates the County's good faith effort here, Todd --

MR. JOHNSON:

Yes.

LEG. FOLEY:

-- Why has the State decided to essentially penalize this County by increasing the number of waivers from 19 to 50? And has the administration reached out to the State to find out why they, in fact, have done that and whether or not they could reverse their decision?

MR. JOHNSON:

I can see -- as I said, if I get the information on the RFP, I'll certainly look into --

LEG. FOLEY:

Well, we need that information before the end of the day, and I think two phone calls should get the answer that we need through you. But I would -- really would like to see what kind of correspondence and what kind of communication, if you will, has gone on between the Administration at the County level and the Administration of Corrections over the past number of weeks to months after the fact that we had made a good-faith effort to move forward, which is what was asked of us, and after moving forward in that good-faith effort, we have now been penalized to a far greater extent financially than the veto message has for our community organizations. So those kinds of answers, I think, Madam Chair, can be, let's say, received in short order. And I would hope and expect, Todd, that we can get those answers before the end of this meeting.

MR. JOHNSON:

You'll be assured that that's something --

LEG. FOLEY:

Thank you.

MR. JOHNSON:

-- I'll work on immediately.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you, Todd.

MR. JOHNSON:

Thank you very much.

P.O. POSTAL:

Director of Planning, Tom Isles.

MR. ISLES:

Good morning.

P.O. POSTAL:

Good morning.

MR. ISLES:

Thank you for the opportunity to speak today. I would like to address two items that we are requesting as part of the County Executive's interest today Certificates of Necessity for. They involve two land acquisitions in the Village of Quogue in the Town of Southampton along the south side of -- pardon me, the north side of Dune Road, and the back bay portion of Shinnecock Bay. The properties in question are depicted on an aerial photograph that is being circulated to you. What we've also provided to you is something that we've worked with the Environment Committee on, which is a summary sheet, putting the salient facts together in terms of the appraisals and so forth.

This acquisition was authorized for planning steps in 2002, approximately eight months ago. Since that time, we have proceeded with, obviously, the appraisal process. We have completed two appraisals for the property. The acquisition before you is one where I think there are a

number of reasons why it should be considered. Number one is that, environmentally, we're dealing with a property that has extensive tidal wetlands to it, and not just the 15 acres that are involved in this piece, but, also, there's been significant public acquisition by both the County, the Town and the Village in this back bay area of Shinnecock Bay. So, environmentally, the property itself has value, combined with the association with the adjacent properties that we're actually developing a very significant protection conservation area at this location.

The second reason for this consideration is that -- is financial, that the -- now that we've completed the process of the appraisals, and so forth, as you will note on the fact sheet before you, we've been able to negotiate acquisitions that are below the lowest appraisal in both cases, so it's way below the mean, it's below the low appraisal. They are, apparently, below market value. We've had good cooperation with the owners, and as I'll point out as well, we've had good cooperation with the Town and Village.

This arrangement is under the Multifaceted Land Preservation Partnership Program, so the County of Suffolk would be putting in 50% towards this transaction, the Village and Town the other 50%. So we think from both an environmental standpoint, it's a meritorious acquisition. We think, from a financial standpoint, it's a good acquisition in terms of the appraisals we've done and the below market acquisition that the owners have accepted in this case, obviously, subject to your approval.

And then the third reason is just, here again, we are dealing with -- the Land Preservation Partnership Program was designed for this type of cooperative effort. We have received that from the Village and the Town. So what we have here is the confluence of the number of events that have, we think, put together a very good sound acquisition. And we have a situation where there is a time-of-the-essence of the property owner. They've shown, we feel, good cooperation in working with us and accepting a price that we feel is very favorable to our interests. We'd like to return that consideration with a prompt consideration by this body.

I will point out that we did discuss this with the Environment Committee at the last meeting informally. If you have any questions, I will do my best to answer those questions. Also, the Director of Real Estate is here today. She can also address any questions you may have regarding any of the details on the actual transaction. Thank you very much.

P.O. POSTAL:

Thank you. Christine Costigan. Would she like -- is she here to make a presentation or just to answer questions?

MR. ISLES:

No. She's available for questions, if you'd like, yeah.

P.O. POSTAL:

Okay. Are there any questions for Miss Costigan? No, there aren't. Thank you. We're going to -
- thank you, Tom.

Motion by Legislator Caracappa to approve the **Consent Calendar**, seconded by myself. All in favor? Opposed? Consent Calendar is approved.

We're going to go to the public portion. Remember, each speaker has three minutes, and there are no questions or comments by Legislators. Our first speaker is Peter Quinn.

MR. BARTON:

The Consent Calendar is 18.

P.O. POSTAL:

Peter, someone will give those out for you.

MR. QUINN:

Yeah. I'm just going to leave them with the Clerk. Thank you.

Good morning. My name is Peter Quinn, Energy Analyst for the Long Island Coalition for Democracy.

As you know, I've been involved with the matter -- the issue of energy for -- back to the '70's, and I've always been trying to get renewable energy and energy efficiency at the front in the marketplace, and many -- sometimes I've been successful, but most of the time I've hit a brick wall. Well, I've come upon a proposal, which I have submitted to you for consideration, a resolution with a number of "whereas" clauses and a few "resolves".

The idea is to promote a 300 million dollar revenue bond. And unlike a general obligation bond, which has bondholders, revenue bond, in this case, has none. And what it seeks to do, splitting

it up three ways, the County government and town municipalities would receive 100 million dollars, residents would get 100 million, and business would get 100 million, so that it would be divided equally and nobody's quarreling over the total amount. But the idea is to jump start renewable energy and energy efficiency through rebates to customers.

The investment bankers will provide the upfront money over a period of three years, but the consumer benefits by getting a rebate on the items purchased, and gets an immediate reduction in his or her electric bill. The investment banker, in turn, gets a portion of the savings from the reduction in the customer's electric bill. I think there's merit to it. It's happened already in San Francisco. You should note that your own bills are going up. The County's bill over the past two years in -- electric bill is a 1.5 million dollar increase. The Suffolk County Water Authority's increase has been between 2001 and 2002 has gone up. By over \$800,000. You're going to be penalized, in my view, by having all Suffolk pick up 3% of the 625 million dollars that the courts ruled in LIPA's favor, which will commence in June. So you're going to continue to see increases and this is a means to offset those increases. So I would urge you to look at it. It will need revisions. I would hope -- I'd be willing to work with any member of the Legislature, with the Budget Review Office or with Joe Schroeder to see that this comes to fruition. And I thank you for your attention to that. One other point. I note --

P.O. POSTAL:

All right. Pete, sorry, your time's up.

MR. QUINN:

Okay. Let me just submit to you, to make copies of, the two IDA's that have come up. And you're wrestling with dollar issues. There's two more from the IDA.

P.O. POSTAL:

Thank you. Our next speaker is --

LEG. BISHOP:

Isn't he a Member of the IDA?

P.O. POSTAL:

No. He decided that -- I had filed a resolution, because I thought he would be an excellent addition to the IDA Board, but right now, his work with the Electrical Agency is very, very time

consuming, so he's unable to do that at this time. Next speaker is Dodie Tschirch.

MS. TSCHIRCH:

Good morning, everyone. My name is Dodie Tschirch. I'm a V.P. of Government and Public Affairs at Cablevision. I'm here this morning just to address Referendum 2297.

As you know, from testimony and statements that we previously made, we believe that Propose Referendum 2297 is problematic and will result in possible -- possibly substantial and untimely expenses for the County. The referendum proposes that the County hire counsel and actively participate in regulatory rule-making and rate matters, which are either not regulated at this time, or which are under regulation at the State municipal or federal level, and not subject to County jurisdiction.

We would like an opportunity to present to you in writing and in further discussions our concerns about the impact of the proposed referendum on the current regulatory balance, and we believe that the referendum will not have its intended result.

Because the referendum is likely to result in substantial cost to the County, both with respect to the preparation of the ballot referendum itself and, if passed, in its implementation, we ask that you provide to us sufficient time to further consider the practical and fiscal impact of this measure before voting on it.

So I am here this morning to request that Referendum 2297 be tabled, and that additional time be allowed for Cablevision to meet with Legislator Alden and the other members before a vote is taken. Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you. Our next speaker is Kevin McAllister.

MR. MC ALLISTER:

Good morning. Kevin McAllister. I had sent a letter to Mr. Sabatino and I copied the body on. I hope everyone's had that opportunity to review the letter. I want to speak to some of the

points.

As you know, I've been before this body on multiple occasions, speaking to the -- what I perceive are true impacts associated with Vector Control practices, application of insecticides, and, obviously, the ditching of tidal marshes.

Going back sometime ago, I implored this body to embark on a rigorous comprehensive environmental study, and I applaud you for taking that action. I have participated in the process, but I think of recent have come to the determination that this process is perhaps biased and really being steered in the direction that I think is troubling.

And I want to speak to the budget now, and I know Mr. Bishop had brought this point up. You know, what are the impacts to our fish and crabs, what are the impacts to reproduction out there, and what are the impacts to our tidal marshes as a result of the ditching?

Through some transformations of the budget, we went from what was perceived at about 2 million dollars up to 4.6, now we're back down to 3.6. Critical field studies have been removed while we have departmental staff increasing. We have purchase of trucks and equipment. And I think the -- your consultant of Cashin and Associates is, quite frankly, too close to this process to be objective. And I really came to this conclusion from a number of factors, and, again, through participation.

I think we're at a juncture now with the scoping process where we've really defined what we need to look at, to consider a time out to open this up to a competitive bid for fiscal responsibility on this -- on this body's part, and, also, I think to ensure that, as a result of this process, we have a legitimate aboveboard, rigorous environmental study as a result.

So I ask you to take in consideration, take a hard look at this budget and at this process, because, at this stage, it's very troubling to me. And, granted, I am one person, but, ultimately, I think at the end of this exercise, 2005, I think it's really important that your Baykeeper stands here and says this was a job well done and I stand by it and support the findings. Thank you.

P.O. POSTAL:

Thank you. Next speaker is Grace --

LEG. CARACAPPA:

Ioannidis.

P.O. POSTAL:

-- Ioannidis. Thank you.

MS. IOANNIDIS:

Good morning. I'm Grace Ioannidis, President of the Citizens Action Coalition. As you already know, I've been before you on several occasions for the last two years on behalf of Resolution 2246.

The Citizens Action Coalition, a not-for-profit organization established in July of 1999, supported the passage of the Town of Brookhaven Rental Law, which made rental housing landlords subject to inspections. We are here before you in support of Legislation 2246, establishing a site selection procedure for substance abuse houses.

A home is not just a financial investment, it's not just a transaction, it defines who we are and the community that we live in. Again, greedy landlords have found another way to profit without being held accountable. Presently, there are no regulations regarding these houses. Passage of this bill will allow Suffolk County to ensure even distribution of facilities throughout the County, and would allow Brookhaven Town to enforce the rental law as it is today.

And, finally, it will provide clean, safe houses for those individuals that are trying to recover from alcohol and substance abuse. Thank you very much.

LEG. VILORIA-FISHER:

Thank you, Grace.

P.O. POSTAL:

Thank you. Next speaker is Barbara Buscareno.

MS. BUSCARENO:

Good morning. My name is Barbara Buscareno. I'm a Suffolk County resident taxpayer, and I'm here today to speak on I.R. 1162 of 2003, authorizing planning steps for the acquisition of land currently owned by the National Audubon Society, introduced by Legislators Fields and Alden.

At this time of severe fiscal constraint in Suffolk County, is this an appropriate use of taxpayer dollars, to purchase property that is already being protected by the National Audubon Society? It's not that I'm against the Audubon Society and what it stands for. I'm a bird-lover and have been a member and supporter of the Audubon Society in the past. I have even attended their black tie annual dinner in Manhattan. However, I question why it would be necessary to utilize scarce taxpayer dollars to purchase property held by a not-for-profit, whose purpose for owning such properties is to maintain the property as I bird sanctuary. In effect, isn't this legislation asking the Suffolk County taxpayer to use their tax dollars to make a donation to the National Audubon Society? If, indeed, the taxpayers are making a donation to Audubon, they might like to be advised, so they can claim this as a charitable contribution on their tax returns.

Considering that Legislator Fields, as one of the sponsors of this bill, serves on the National Audubon Society of New York State's Executive Board and is Vice Chairwoman of the Audubon Council of New York State, couldn't one consider her introduction of this bill to be a conflict of interest?

Due to the recent publicity regarding the questionable use of taxpayer dollars for many of the open space purchases, I would ask that this Legislative body exercise responsible due diligence in the oversight capacity to ensure that our tax dollars are spent appropriately.

I strongly urge that each Legislator careful I have scrutinize this bill and evaluate its necessity before making a decision.

Thank you very much for your attention to this very important issue.

P.O. POSTAL:

Thank you. Our next speaker is James Smith.

MR. SMITH:

Presiding Officer Postal, County Legislators, it has been sometime since I've spoken to you, or when I last spoke to you, I spoke with my concerns for Central Islip. I come this morning in support of a relocation of bills -- buildings in business districts throughout the County by the County officials. I want to let you know that we, at the present time, in Central Islip only have one building that you might be interested in and that's the old King Kullen store at Motor Parkway and Wheeler Road. But I also notify you that we have an abundance of land on the

Central Islip State Hospital grounds. But I will tell you this, if you do decide to move to Central Islip, do not come as you've sent to us a shopping mall that is one store, King Kullen's market. It is -- the rent is so high, a Chinese restaurant won't even come into the neighborhood.

I wish to notify you that your new Federal Court Building is also guilty of overcharging rent. The rent is so high in that court building, that the Federal Court Officers won't even come to the building. Now, if you're going to relocate buildings in Central Islip or in any other community and not protect these rents, then we are in trouble.

I want to let you know that I'm not new to this community. I'm a founder of the Carleton Park Civic Association, now College Woods. In that program of Carleton Park Civic Association, Central Islip Community Action Committee, which is the oldest incorporated village committee in the County, we have helped to found many things. We helped to discover Islandia, we were inventive in producing Park Grove, senior citizen housing, Touro College, United States Federal Court Buildings, Suffolk County Court Buildings. These are worthwhile institutions that can support a whole lot of shopping centers, but the rent has to be such that people can afford it.

I, therefore, say to you, Central Islip has enough land to hold all of the County government offices. I don't ask you to bring all of them there, but at least think of us with proportion. Thank you very much.

P.O. POSTAL:

Thank you, Mr. Smith. Our next speaker is Susan Portnoy.

MS. PORTNOY:

Hi. I'm a resident of Holbrook, New York.

MS. MAHONEY:

Speak into the microphone.

MS. PORTNOY:

Okay, sorry. I live in Holbrook, and I've come to talk to you about Resolution 2246 on substance abuse homes. It's a problem. I mean, we know it's a problem. We know these people need help. I don't think there's anybody in this room that disagrees with that. However, when you saturate a neighborhood, you have more problems. We need permits. We need

onsite supervision. We need a limit on the number of the people in the homes. We need certain building code requirements that protect our firemen, our policemen, not just the people in the neighborhood. This affects everyone. And I plead with you a set radius, so we do not have saturation in our neighborhoods.

I ask you all to preserve the integrity of Suffolk County neighborhoods. Think of this. That's all I have to say. Thank you.

LEG. CARACAPPA:

Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you. Next speaker Isaac Vaughn. I think Isaac Vaughn may be out in the hall speaking.

MR. VAUGHN:

Good morning. My name is Isaac Vaughn. This is my partner, Mark Booker.

MR. BOOKER:

Good morning.

P.O. POSTAL:

Can we have your attention please? Go ahead, Mr. Vaughn.

MR. VAUGHN:

I'm here today in regards to the redemption of properties in Amityville, 1 and 3 Hatchet Court. We're the investors that are looking to buy the properties. We're in contract right now with Mrs. Blake, who owns the property at this time. The property was taken by tax, I guess, redemption, of not paying tax I think in January.

We understand there are some problems with the tenants that are currently in the house and we propose also to get them out within a 30-day period legally. So we're here on her behalf. She's in a situation with her other home, in the process of going through some foreclosure situations,

and we're trying to also clear that up. So we would appreciate if the committee would take that in consideration and possibly let us purchase these properties and help Mrs. Blake in the process. Thank you.

P.O. POSTAL:

Thank you. The next speaker is Philip Goldstein.

MR. GOLDSTEIN:

Good morning, Ladies and Gentlemen.

LEG. BISHOP:

Not the Boston Tea Party.

MR. GOLDSTEIN:

Not the Boston Tea Party. You're eating up my time, please. As it is, I only get three minutes. Okay?

LEG. BISHOP:

I thought you took requests.

P.O. POSTAL:

He took six seconds. Go ahead, Phil.

MR. GOLDSTEIN:

Okay. Thank you. First of all, with regard to redistricting, there are a number of proposals being put on the table for the April 28th meeting. I urge the members of this Legislature to think long and hard and exercise your conscience. We're currently engaged in a war to bring democracy to Iraq, let's not bring hypocrisy to Suffolk County. The point very simply is that we manipulate the system. We make a mockery of one of the basic aspects of democracy, which is the electoral process and the right of the people to choose their representatives. And I think it is shameful with regard to the gerrymandering that is practiced in this nation, which reduces the electoral process to a farce.

All too often, as we know from the statistics, all right, the people do not have a real choice. They are deprived of that choice when districts are gerrymandered, and that's only one of the

corrupting practices that the political process pursues.

So I would urge you, please, to think carefully about the alternatives that are being presented to you, which all too often become incumbency insurance. Perhaps it might be better to let sleeping dogs lie.

I recognize that the Latino community may want its own representation. However, that may not serve their best interest, because they may interest more influence in terms of achieving what the Latino community desires, and even that whole thing is questionable, when you lump people together that way. But the point, very simply, is if the group is divided between two or more districts, they exercise influence over more than a single Legislator. So changing, for example, into 19 districts to pursue something that is not really an issue, the so-called nine-nine split, which very rarely occurs, all right, you can not impose that cost at this time with the fiscal problems facing this County in terms of a special election, and imposing the added cost of maintaining another Legislator and his retinue. By the same token, to respond with 17 rather than 19 in order to break the so-called nine-nine tie is again -- I mean, it's a pointless exercise. It doesn't really accomplish anything worthwhile --

P.O. POSTAL:

Thank you, Phil.

MR. GOLDSTEIN:

-- and is a diversion.

P.O. POSTAL:

Your time is up.

MR. GOLDSTEIN:

All right.

P.O. POSTAL:

Thank you.

LEG. LINDSAY:

Phil for Poet Laureate.

LEG. FOLEY:

That's next year.

P.O. POSTAL:

Our next speaker is Steve Gocinski.

LEG. VILORIA-FISHER:

Who said that? I heard you.

P.O. POSTAL:

Steve Gocinski?

MR. GOCINSKI:

Sorry. Hello, everybody. My name is Steve Gocinski. I represent the Greater Coram Civic Association. I am the President of the Greater Coram Civic Association.

I'm here today to talk about the proposed location of the Social Services Building in Coram, titled, I believe, the Elsie Owens Building. I would ask that we maybe take a little bit of a breather on that and take a look at it.

The community is in staunch opposition to this building being located where it is proposed to be. It's right in the middle of the community. It also impacts the Middle Country Road Renaissance Project. It impacts the community as a whole. At the Town Board meeting at Brookhaven Town, I felt sorry for the Supervisor, there was a lot of vocal opposition to it. And their hands were, obviously, tied, because the decisions were made at this body level.

I would hope that maybe we can solicit some additional community input, maybe look at some different locations that would be best suited for this that are still within the Coram community or nearby, but not in the dead heart center of it. We have the -- Brookhaven Town Hall is leaving it's current location relocating somewhere else. That might be an effective use of that property.

I would just hope that, you know, we might be able to solicit some community input and be able to work towards a positive resolution for everybody. I thank you guys for your time today, and have a great day.

P.O. POSTAL:

Thank you. I have no additional cards. Is there anyone else who would like to address the Legislature? Hearing no one --

LEG. CARACAPPA:

There's two.

P.O. POSTAL:

Two?

LEG. HALEY:

Motion to break for lunch until 2:30.

MR. ABRUSCATO:

I filled out one.

P.O. POSTAL:

We don't eat as much as you, Marty. I don't think so. Come up and give your name, please.

MR. ABRUSCATO:

Anthony Abruscato. I'm here today regarding Resolution 2246, site selection procedure for sober houses. I'm representing the Citizens Action Coalition.

The Mastic, Mastic Beach and Shirley communities has seen an overabundance of sober houses. In 2000, when the Citizens Action Coalition spent countless hours lobbying the Suffolk County Legislature, there were twenty-six sober houses. Now there are forty-one that we know about, because they're not required to be registered with any government agency.

Our quality of life has been severely impacted by the saturation of these homes in our community. They should be placed more evenly throughout Suffolk County. Since there is no adequate supervision of sober houses, there has been a stabbing, overdoses, a resident who threatened suicide by attempting to jump off the William Floyd Parkway overpass at Sunrise Highway.

Residents of sober houses who are recovering from alcohol and substance abuse deserve an environment in which to live that is safe and conducive treatment in these facilities. This is not happening. It seems the landlord's main objective is the bottom line, not the residents or the true treatment of the individuals. They are no different than rooming houses. There should be social workers, familiar with treating alcohol and drug abuse, should staff these homes.

Passage of this legislation is now long overdue, and in doing so, will put an end to the unethical practice of landlords who provide substandard living conditions for clients. You will protect their safety and the community at large. Thank you.

P.O. POSTAL:

Thank you.

LEG. HALEY:

One more.

P.O. POSTAL:

Come on up and give your name.

MS. DIETSCH:

Hi. My name is Isabel Dietsche and I'm a resident of Ronkonkoma, and today, myself and Ronkonkoma Outfitters are giving you a petition to open up the Ronkonkoma County Park, which is a very important park. That's the park that has the floating dock. It's also a park that many handicapped people use. And it's really sad to have such a lovely lake there and have that park closed. So please open my park.

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thanks.

P.O. POSTAL:

All right. We're going to turn to resolutions tabled to April 8th. Oh, I recognize Legislator Fields for a point of personal privilege.

LEG. FIELDS:

This is on the public -- the person who spoke regarding I.R. 1162, who stated that I am a member of the Board of Audubon. I wanted to let everyone know that I have resigned from the Board and that that information is not accurate.

RESOLUTIONS TABLED TO APRIL 8, 2003

P.O. POSTAL:

Thank you. Okay. Page 8, resolutions tabled to April 8th.

I.R. 1050 - Authorizing retrofitting of traffic lights and LED fixtures. Legislator Cooper.

LEG. COOPER:

Motion to table.

P.O. POSTAL:

Motion to table by Legislator Cooper, seconded by Legislator Caracappa. All in favor?
Opposed? 1050 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1275 (To implement Town of Babylon Affordable Housing Plan). I'm going to have to make a motion to table this. This is almost close to being ready to be approved.

LEG. FOLEY:

Second.

P.O. POSTAL:

Second by --

LEG. HALEY:

Ready to be voted on.

P.O. POSTAL:

Right. Well, I hope you'll approve it. Seconded by Legislator Foley. All in favor? 1275 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1585 (Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan).

LEG. FOLEY:

Motion to table, please.

LEG. HALEY:

Second.

P.O. POSTAL:

Motion to table, Legislator Foley, seconded by Legislator Haley. All in favor? Opposed? 1585 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1856 (Adopting mass transportation system map policy for Suffolk County). Again, I'm going to table this.

LEG. HALEY:

Second.

P.O. POSTAL:

Seconded by Legislator Lindsay. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1856 is tabled. **1960 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes.**

LEG. TOWLE:

Motion to approve.

LEG. HALEY:

Second.

P.O. POSTAL:

Motion, Legislator Towle, seconded by Legislator Haley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1960 is approved. **2113 - A local law to separate Legislative meetings into voting days and public participation days.**

D.P.O. CARACAPPA:

I'd like that motion to approve.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to approve by Legislator Caracappa, seconded by Legislator Foley.

LEG. GULDI:

On the motion.

P.O. POSTAL:

All in -- On the motion. Legislator -- go ahead, Legislator Nowick. No?

LEG. NOWICK:

Never mind, just vote.

LEG. GULDI:

Roll call. Roll call.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Pass.

LEG. BINDER:

Pass.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. HALEY:

Yeah.

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

MR. BARTON:

Eight.

LEG. TOWLE:

Two away.

MR. BARTON:

Eight.

P.O. POSTAL:

You're getting closer and closer. Very good.

P.O. POSTAL:

2113 is defeated. **2141 - Making a SEQRA determination in connection with the proposed scavenger waste facilities at existing Yaphank sewage treatment plant site (proposed SD #24) Town of Brookhaven.**

LEG. TOWLE:

Motion to approve.

LEG. GULDI:

Second.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion to approve, Legislator Fisher, seconded by Legislator Haley.

All in favor?

LEG. BISHOP:

Explanation. What's the determination? It came out of my committee, in fact, so sorry about that, but --

P.O. POSTAL:

Paul?

LEG. BISHOP:

It's been awhile. So used to tabling this, I wasn't --

LEG. CARACAPPA:

Here you go.

MR. SABATINO:

We're short a mike today, because something went wrong, I think. But the -- basically to make a determination at the Yaphank Sewage Treatment facility is Type One, which may have a significant effect on the environment, because it exceeds certain criteria. The reason it was previously tabled was because Legislator Towle was trying to address some local issues, and I assume he's addressed them.

LEG. VILORIA-FISHER:

Right, Fred, you addressed local issues?

LEG. TOWLE:

Yes.

P.O. POSTAL:

We have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2141 is approved. **2256 - Requiring the County Department (of Economic Development to advertise Suffolk County Commuter Tax Advantage for Workers).**

LEG. BINDER:

Motion to table.

P.O. POSTAL:

Motion to table, Legislator Binder, seconded by Legislator Cooper. All in favor? Opposed? 2256 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1079 (Adopting Local Law No -- 2003, A Charter Law in connection with subpoena power).

LEG. GULDI:

Motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

Motion to table, Legislator Guldi, seconded by Legislator Towle. All in favor? Opposed? 1079 is tabled.

MR. BARTON:

18.

P.O. POSTAL:

1086 - Enacting Long Island alternative funding plan for State takeover of Medicaid.
I'm going to make to a motion to approve that.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. BINDER:

On the motion.

LEG. TONNA:

On the motion.

P.O. POSTAL:

On the motion, Legislator Tonna, and don't know who else. Legislator --

LEG. TONNA:

Jim.

P.O. POSTAL:

Then Legislator Binder.

LEG. TONNA:

Jim, could You just tell me, from the standpoint, and I'm sure that the sponsor of the bill -- that this would be a net gain for the County, if I'm not mistaken, in a certain sense. So I'm just trying to find out, financially, what are the numbers when doing a financial impact? Because we're going to be giving a piece of our sales tax, right, in exchange for the State to pay our 25%. How would that have impacted the last couple of years?

MR. SPERO:

I'm looking for the fiscal impact statement now.

P.O. POSTAL:

While Jim looks for that, I can tell you that --

LEG. HALEY:

Here he comes.

P.O. POSTAL:

-- they both vary, both figures vary. And, as you can imagine, they're inversely proportional, so that in good times, Medicaid costs go up and sales tax revenue goes down. And it's -- you know, it's obviously the reverse. However, they kind of have run on parallel courses. They really correspond with each other. And the times when Medicaid costs are up are balanced by the times when sales tax revenues are up. So the thing -- the thing to keep in mind is that the State has the authority to make decisions about Medicaid, we don't, so it gives them, I guess, the ability to determine their own future, since they'll be paying all the costs of it. And it also will give us the ability to budget with greater -- a greater degree of information that create more stability within our own budgeting process, but I'll let --

LEG. TONNA:

I think one of the good things about is that, I mean, with regard to Child Health Plus and Family Health Plus, they create programs and then we have to kick in 25%. So I -- but I just -- I just want to hear about the numbers.

MR. POLLERT:

For 2004, if this is adopted, there would be a net savings to the County of approximately 11 million dollars. One of the difficulty is that the Medicaid costs are continuing to increase. So even though the State of New York has relieved us of the higher pension costs, at this point in time, my staff is forecasting that we will have a shortfall in Medicaid this year in the neighborhood of 12 to 20 million dollars. So that 11 million dollar benefit that was included in our fiscal impact statement was prior to reforecasting what's happening with Medicaid this year. We have had three six million dollar shares so far this year.

LEG. TONNA:

Right. Okay. The second piece to my question is, and maybe Legal Counsel would be able to answer this, is this like a memorializing resolution or a home rule message? Because we can't enact this, we don't -- we can't unilaterally enact this; am I correct?

MR. SABATINO:

That's correct. It's a combination of two, because it does two things. One, it establishes a policy of trading in the three-quarter percent, and actually does the amendment to the pertinent sales tax provisions in our local County resolution. But, simultaneously, it states that that can

only happen in the event that the State Legislature provides the authorizing or implementing legislation. So that part of the bill would be in the nature of memorializing, so it's really a hybrid bill.

LEG. TONNA:

But it only -- in other words, it only kicks in --

MR. SABATINO:

You can't unilaterally impose it, you're absolutely correct. Before you can --

LEG. TONNA:

You only -- it only kicks in if the State passes the law.

MR. SABATINO:

Right.

LEG. TONNA:

Do we have a home rule message or a memorializing resolution to go with that? In other words, it would be fine to do it here, but do we have something going up to Albany at the same time that says, "If we pass this, then we want you to vote on that?"

MR. SABATINO:

That's what this does. The home Rule Message can't be generated until you do some kind of a formal request. So this hybrid bill does both of those things.

LEG. TONNA:

Okay.

MR. SABATINO:

This bill, if adopted, would go up to Albany. Then, if Albany showed interest, they'd have to come back and make the request for the home rule message.

LEG. TONNA:

Well, I think it's a good bill, then, and I'm going to support it.

LEG. CRECCA:

On the motion.

P.O. POSTAL:

Legislator Haley, and then Legislator Crecca. Legislator Binder.

LEG. HALEY:

Okay. The first question, Fred or Jim, what is three-quarters of a percent of sales tax represent in 2003, this year, versus the Medicaid cost in 2003.

MR. POLLERT:

Prior to our re-estimating the costs are going to be short in the budget, there would be a net savings of about 5 million dollars this year that would grow to 11 million dollars next year. However, if Medicaid has been underbudgeted by 12 to 20 million dollars, then there would be a net savings to the County of about 27 million dollars.

LEG. HALEY:

Okay. Now, let's go back. Now we're looking at the upside of this resolution. I want to go to -- back a few years, four, five years, or future four or five years when we have the good times. Giving up three-quarters of a percent, we have been ahead of the game in the past; is that correct?

MR. POLLERT:

It Would have cost the County money in the past if we had, in fact, done this. There was a break-even point about three years ago. So, for the last two to three years, it would have been less expensive if they had taken the three-quarter cent of sales tax.

LEG. HALEY:

All right. What you're saying is that prior to that, we had a time where we actually got more revenues in.

MR. POLLERT:

Yes.

LEG. HALEY:

The revenues exceeded the Medicaid.

MR. POLLERT:

That is correct. However, Medicaid has been growing at a compound rate of about 9% per year and sales tax has only been growing at a compound rate of about 5% per year.

LEG. HALEY:

So, in the long run, in the long run, what I like about this is that in the best of times, when we typically had slight overages in sales tax projections, that three-quarter cent, giving that up in good times is -- doesn't harm us as much as it's harming us now to have to pay the difference; is that correct?

MR. POLLERT:

Yes.

LEG. HALEY:

And, plus, not only that, once we've given that up, that's a burden of the State to come up with that difference in times like today.

MR. POLLERT:

Yes.

LEG. HALEY:

Is that correct?

MR. POLLERT:

Yes.

LEG. BISHOP:

May I ask a --

LEG. HALEY:

Okay. Thank you.

LEG. BISHOP:

I'll go on the list, rather.

P.O. POSTAL:

Legislator Crecca was next, and then Legislator --

LEG. BISHOP:

Legislator Binder.

P.O. POSTAL:

Legislator Binder, and then Legislator Bishop.

LEG. CRECCA:

Yeah. First, let me commend Legislator Postal. I'll be supporting this bill. I think it's a very good idea, and, hopefully, will bring us some -- if it's adopted, will bring us some relief.

I do have one question. In the event that -- and this is like probably the most unlikely scenario, but if the State started to reduce our share of Medicare in the future, and I guess I would ask this to Counsel --

LEG. BISHOP:

Medicaid.

LEG. CRECCA:

Medicaid, excuse me. If they reduced our share of the 25%, let's just say by Some small miracle they reduced it to 10%, again, I said it probably would never happen, does this stay in effect?

MR. SABATINO:

Yes, this stays in effect. It would take a separate subsequent future action to reverse that. And, again, it would require the State and the County together.

LEG. CARACAPPA:

We have to vote.

LEG. CRECCA:

We would have to revote it, right. But, in other words, if they were getting the benefit of it, then --

MR. SABATINO:

But keep in mind, though, I think the antidote to that is that because you've lifted the three-quarter percent burden from yourselves, you would have governmentally the flexibility of just doing some additional sales tax revenue without -- you know, without having to worry about a trade-off. But answer, the short answer is yes, you would have to go through the whole process to reverse it.

LEG. CRECCA:

What's the effective date of this bill, January 1st, 2004?

MR. SABATINO:

This one, this one contemplates March -- I'm sorry, March 1st of 2004, because you have to use the quarterly cycle under State law.

LEG. CRECCA:

And what about -- When does it expire, is it 2011, I think?

MR. SABATINO:

Yes, it was twenty -- let's just make sure. It was December 31st first of 2011, correct.

LEG. CRECCA:

Question for Budget Review. Right now, it's my understanding that Medicaid, New York State takes, I guess, the 21 different options from the federal government on Medicaid. If they were to reduce that significantly in any way, let's say they drop down to 18 or 17, I know you can't, just from -- would that significantly reduce the County's contributions or no?

MR. POLLERT:

That would not directly significantly impact the County contribution in the short term. Probably the largest impact would be a proposal from the Governor to pick up the pharmacy component of the Medicaid costs and, in turn, displace more of the Medicaid costs to the County, increase a proportionate share. However, the theory is that the reason that the State of New York wanted

to pick up the pharmacy cost is that there's a good possibility that the federal government will come up with a pharmacy program for Medicare, and the people that have the joint planned enrollment of Medicaid and Medicare, if the County -- if the State picks up the drug component of it, then the State would get the benefit of the federal enhancement and would never flow down to the County.

So the largest cost savings, if you take the Governor's proposal, however, it's also the one area of Medicaid that there's a possibility of getting some federal relief. So --

LEG. CRECCA:

We take that chance, then, if we enact this.

MR. POLLERT:

Yes, do you.

LEG. CRECCA:

How -- and, again, realistically, is there any predictor on the likelihood of the Governor's plan being approved?

MR. POLLERT:

Frankly, at this point in time, the doesn't appear very likely. There's not too much of an agreement at the State level. And I know that NYSAC is concerned with respect to the Governor's proposal, because he's saying taking the one component of the Medicaid costs that could actually be reduced by federal action and moving that to the State, so that the State would get the benefit of it.

LEG. CRECCA:

And as far as from a financial forecasting point of view, these risks that we've just identified, these risks of the State possibly reducing the County share, or the possibility of them lowering the options, they're very remote physical risks. Would you --

MR. POLLERT:

At this point in time, they are very, very remote, yes.

LEG. CRECCA:

Okay. Thanks.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I think there are a number of possibilities and options out there. This is one of them, and I think it should be supported. But in New York State, my information is that there was a recent bottling up of a bill that was proposed in the Assembly that would take -- relieve us completely of the burden, wouldn't cost us a quarter cent, all it would ask us to do is make sure that any savings we had are returned, so that we don't, in a sense, backfill, so that we don't use the savings to backfill our budget and that we return it to the taxpayers, and that has been bottled up in committee and the Assembly. So there are other ideas out there. This is a good idea. I think we should support, and I think we should look at other opportunities and push them as hard as we can. And if they're going to hold these bills up, they're -- we've got to make as much noise as possible.

P.O. POSTAL:

Thank you. Legislator Bishop, did you -- and then Legislator Guldi.

LEG. BISHOP:

Yes. I heard a report on the radio this morning that there's a new study out which indicates that if the federal government provided a prescription drug benefit, that it would greatly impact states and localities in a position way in that our Medicaid costs would precipitously decrease, because many of the people who receive Medicaid prescription drug benefits from us also are eligible for Medicare. So if the federal government expanded Medicare to include a prescription drug benefit of some meaning, that would reduce our burden a great deal. That kind of dynamic is positive development, because I think there is a sense in Washington that they have to provide some stimulus for state and local governments, and there's also a political dynamic at play where they want to provide a prescription drug benefit. What would that do to this equation? Would we then be a net loser if that were to occur?

MR. POLLERT:

That would really depend upon whether or not the State of New York was going to assume the costs of the prescription drug. What they want to do is pick up the prescription drug, but

increase the local share contribution. At that point in time, we would be a net loser, because we would be paying a larger portion.

LEG. BISHOP:

The State

MR. POLLERT:

That's correct.

LEG. BISHOP:

What I'm asking is, if the federal government were to gain some wisdom and pass a prescription drug benefit under Medicare, and the overlapping people, the people who are eligible for both programs, then use the Medicare portion rather than the Medicaid, wouldn't that -- I understand that's more than 50% of our drug costs, are people who are eligible for both Medicare and Medicaid?

MR. POLLERT:

That's what the national average is. I don't know what the local average is.

LEG. BISHOP:

Right, the national.

MR. POLLERT:

We have a request into the department to break out how many people are covered by the two different programs.

LEG. BISHOP:

It's clear that, under current conditions, this is a positive proposal. My fear is that conditions are changing rapidly, and we could end up, you know, outsmarting ourselves, so to speak. So I don't know how we guard against that, but it's something I wanted to raise to the body .

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Legislator --

LEG. FOLEY:

Put me on the list.

P.O. POSTAL:

Let's see, who was next here? Legislator Guldi, and then Legislator Foley, and then Legislator Caracciolo.

LEG. GULDI:

Okay. Just the -- taking a slightly more cynical approach, as I'm sure you're shocked to hear --

LEG. FOLEY:

George, shocked.

LEG. GULDI:

Is there anything in the bill to prevent the State from taking the sales tax revenue, eliminating the chargeback on Medicaid, and offsetting or recapturing its costs of -- of absorbing the Medicaid costs by eliminating reimbursement for other mandated services in other classes and categories?

MR. SABATINO:

Well, the ultimate defense to anything the State does different from this is that you still, as a Legislative body, have to vote on the implementation. So, if they come back with something that doesn't mirror, or parallel, or track what you've proposed, you wouldn't adopt the implementing legislation.

LEG. GULDI:

Yeah. But I'm assuming that we -- they do give us back the mirroring proposal and we implement it, and they then eliminate the chargeback for Medicaid statewide, and, instead, eliminate the reimbursement for, for example, Social Services Administration and the array -- an array of other services to recapture the revenue for the State, essentially affecting the good -- we'll take the sales tax for the Medicaid and then we'll rip you off for the money in another way. Is there anything in the bill to prevent that, or could there be?

MR. SABATINO:

You can't -- you can't put anything in the bill that would prevent unilateral action by the State of New York, because you can't. But the difference is that you would no longer have the Medicaid cost, which is an expenditure, and you would no longer have the sales tax in place, so you'd have the flexibility of doing an additional sales tax without going above that three-quarter percent, because the sales tax wouldn't be in place. So, I mean, worst case scenario -- the worst case scenario is that you've wiped a huge obligation off of your books, because you're not going to be paying the 250 million dollars a year in Medicaid, and, simultaneously, you will have lowered the sales tax by three-quarters of a percent, which gives you flexibility. So that's the worst case scenario that you face.

LEG. GULDI:

Okay.

P.O. POSTAL:

Legislator Foley?

LEG. FOLEY:

Well, Counsel just answered the question, which was there are valid concerns raised, but we do have another bite at the apple here, and we'll have to, at a certain point in time in the future, if the State passes the enabling legislation, we can revisit this in the future, and, at that point, have some answers to some of the questions that are being raised here today.

P.O. POSTAL:

Okay. We have a motion and a second.

LEG. CARACCILO:

Hold it. Hold it.

P.O. POSTAL:

Oh, I'm sorry. I apologize, Mike.

LEG. CARACCILO:

I would just like to add a comment. I think caution should be the watch word with this resolution. I mean, if anyone here, given the experience we've had over the last three decades

with the State, and the administration of Medicaid programs, thinks that they are going to provide us with cost benefits at their expense, you know, we're living in la-la land. I see the Director of Budget Review smiling. Simply not going to happen.

In fact, also on the radio this morning was a report that the Senate Majority Leader, Mr. Bruno, has indicated to the Governor that if there is not a handshake on a new State budget by next Tuesday, then all they will do for the remainder of this Legislative session is pass budget bills continuing resolutions. And that said, I don't think any broad-based reform measure on Medicaid or any other program that impacts localities like counties are going to see the light of day any time soon. And I think you just have to be realistic.

Now, I understand the proposal. The proposal right now, as we look at it, would have a cost benefit to County residents. And, as Counsel points out, it would have to come back to us for adoption, unless the State unilaterally made changes that didn't require us to vote on it again. So sometimes you have to be careful what you wish for.

Question. I do have a question for Budget Review, however, and that relates to the sales tax revenues. Fred, for the first quarter or the first -- what can you share with us about sales tax receipts year to date, 2003?

MR. POLLERT:

The quarter will be over on April 15th, at which point there will be a reconciliation of the monthly data. However, at this point in time, we are tracking well ahead of last year. The County Legislature increased the sales tax forecast by approximately 13 million dollars for 2003. With the five million dollar surplus we received last year, we're only one million dollars away from achieving that 13 million dollar increase. So we started off with a very fast start at this point in time. We had estimated a growth of approximately 1.5% in sales tax in the budget, and, at this point in time, the actual sales tax growth is closer to four to five percent.

LEG. CARACCILO:

Four to five.

MR. POLLERT:

Right.

LEG. CARACCILO:

And the projected increases in Medicaid, County share cost is about 9%.

MR. POLLERT:

The County had budgeted nearly a 10% increase in Medicaid for 2003, but that now appears that that number will be inadequate, somewhere in the range of 12 to 24 million dollars. We are anticipating that the 2003 Medicaid costs will exceed the adopted budget.

LEG. CARACCILO:

Madam Chair, as the sponsor of this resolution, can you share with us if this proposal has the support of the County Executive?

P.O. POSTAL:

Yes.

LEG. CARACCILO:

It does.

P.O. POSTAL:

He is in support of it. There also later will be another resolution, which is a Sense, requesting a cap on local share of Medicaid. But he's in support of this, as well as the Sense that will be laid on the table and I hope voted upon later today.

LEG. CARACCILO:

I would just close with caution, that the proposal has merit if all things fall into place, as we see it from our perspective. My fear is, as Legislator Guldi hinted, is that the State is not going to take an action that is not going to be first in its interest and then in localities' interest. So let's give it a shot, but I wouldn't get our expectations too high.

P.O. POSTAL:

Thank you. Anyone else? Okay. We have a motion and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1086 is approved. **1114 - Amending the adopted 2003 Budget and creating positions in the Board of Elections.** I'm going to make a motion to table that.

LEG. HALEY:

Second.

P.O. POSTAL:

All in favor? Opposed?

LEG. GULDI:

Opposed.

MR. BARTON:

17.

P.O. POSTAL:

1114 is tabled.

INTRODUCTORY RESOLUTIONS FOR THE APRIL 8, 2003
MEETING OF THE SUFFOLK COUNTY LEGISLATURE

BUDGET

Moving to Introductory Resolutions, Budget. **(2017) - Amending the 2003 Operating Budget and transferring funds for the installation of flag poles at various health centers, the purchase of mobile data terminals for the Sheriff's Civil Division, and replacement personal computers for Legislative District offices.**

LEG. CARACCILO:

Motion.

P.O. POSTAL:

It was approved 4-0. Motion by Legislator Caracciolo, seconded by Legislator Foley.

LEG. FOLEY:

No, no, no.

P.O. POSTAL:

Oh.

LEG. FOLEY:

I have a question.

LEG. HALEY:

I'll second that.

P.O. POSTAL:

Legislator Haley. On the question, Legislator Foley.

LEG. FOLEY:

The offset, please, for this.

MR. POLLERT:

There are two offsets. The first offset is a transfer from the pay-as-you-go, and the second offset on the Legislative computers out of the Budget Review Office 456 Account.

LEG. CRECCA:

How much is the total amount, Fred? I'm sorry, I didn't hear. I wasn't recognized.

MR. POLLERT:

No, I don't recall offhand. I would have to look it up.

MR. SABATINO:

It's forty-eight thousand for the computers, and it's 200,000 for the Sheriff's Office.

LEG. BISHOP:

Madam Chair, I'd like to make a motion to recommit.

P.O. POSTAL:

Motion by Legislator Bishop, seconded my myself.

LEG. FIELDS:

I'll second the motion.

LEG. BISHOP:

And I'd like to speak on the motion, if I'm --

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

I'm on the Budget Committee --

P.O. POSTAL:

And then Legislator Fields.

LEG. BISHOP:

-- and I was one of the four who voted for this. In reviewing it before this meeting, I realized that I have more questions. But why don't we just start with this resolution seems to be an amalgam of different spending priorities forged together, and then -- you know, then using a common offset. The first spending priority is a -- is flag poles at County facilities. I believe it's something like \$25,000 that's set aside for five flag poles. And I just -- I don't know -- just doesn't seem right to me that a flag pole costs \$5,000 each.

LEG. HALEY:

Yeah.

LEG. BISHOP:

And perhaps I'm wrong about that, and I'll learn more about that as we go back to committee.

LEG. HALEY:

If you were a real American, you'd know that.

LEG. BISHOP:

Are they 5,000? It just doesn't --

LEG. TOWLE:

Legislator Bishop, would you suffer an interruption or --

LEG. BISHOP:

And the other thing I'm concerned about is that in a fiscal crisis, that we are going to -- spend what's the amount on computers in the Legislature?

MR. SABATINO:

Computers are 48,600.

LEG. BISHOP:

By -- I mean, we should invest in ourselves, it's important, it creates greater efficiencies, but we should use the accounts that we have in the Legislature to fund that, and I don't understand why we're not doing that --

LEG. CARACAPPA:

We are, actually.

LEG. BISHOP:

-- internally. Why do we have to go to another account to fund computers? So those are the questions I have. I thought committee might be the right place to hash them out further.

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

Legislator Fields, and then Legislator Towle.

LEG. FIELDS:

I have a question about the flag poles. In my discussions with cell tower vendors, they are telling me that, very often, when they contract, if and when they do, with the County, there are some groups that will actually pay to erect a flag pole to put a cell tower in it. So, before we invest in separate flag poles above and beyond, I would think it would be in our best interest to find out whether or not they would be included for free, and, in addition, we would be getting the revenue from the vendors.

P.O. POSTAL:

Legislator Towle, did you -- had you indicated --

LEG. TOWLE:

Yeah, I did. Thank you, Legislator Postal. I just want to answer Legislator Bishop's questions first, but I'm looking for some notes as I'm talking to him or answering his questions. You are correct, there are three things in the bill. There are three things in the bill, because the flag pole issue had been a holdover from last year's committee and had not been approved and was updated this year. We received -- my office received a request regarding the data terminals for the Sheriff's Office. We had expired -- the time had expired to get the bill into that committee due to the deadlines established with that committee in the process. We added the Deputy Sheriff's request to -- the Sheriff's Department's request with the flag pole issue.

And, in the meantime, Legislator Postal, I believe, had ordered two computers for our district offices, or someone on her staff had informed us that that was being done. But, as you know, in many of our offices, we're dealing with three or four computer terminals. The funding for the computer terminals did come out of Budget Review, so that is within our purview.

I also questioned the \$25,000 for flag poles. DPW went out and did a cost estimate on that, based on the vendors that the County has available to it to purchase flag poles, and have provided us with backup information, you know, showing what those poles are going to cost, I couldn't believe it either, but, for the installation of the pole, the base, the equipment, the supplies, the materials.

And to answer Legislator Fields' question, as she knows, we have both talked about the cell

phone issue. I've checked with a few of the cell tower vendors to see if any of the health centers that are in question would be sites of interest, and, unfortunately, at this point, they aren't. And the flag pole would not be attached to the roof of the building, it would be, you know, free-standing on the ground, so we're not gaining any height as far as that goes.

So there are obviously three different issues, and the only way to get them, due to the way that the Legislature's rules are in place regarding this committee, to the floor was to try to package this together in one resolution, which is what we did. We addressed this at the Budget Committee, as you know, Legislator Bishop, and I imagine that's why it was approved.

P.O. POSTAL:

First, there is an intention, because we just replaced two computers in each district office, and there's an intention to replace the other two, but not at this time. One of the -- one of the reasons for not doing that is we tend to replace our computers when the warranty expires, so purchasing all four computers at relatively the same time would mean that we'd replace them at the same time. So the intention to avoid that problem is to replace two now and to replace two shortly thereafter, but not now, because, otherwise, we just perpetuate a problem, which we have, by the way, with computers all over the County, which is that computers are replaced when the warranty expires. So that's number one.

The other thing is, I really think it sends a very bad message to do this right now. We've just cut contract agencies. We have agencies coming here, although they've kind of given up at this point, coming here and telling us about how they're struggling and they are trying to make ends meet with the cuts that they've suffered. We know that we're trying to find ways to generate additional revenue in order to address a large budget deficit that we anticipate in 2004. And I just think that this is an area where we can tighten our belts a little bit, and I don't think we'd be -- we should be doing this at this time. Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. MDT's, Fred.

MR. POLLERT:

Yes.

LEG. CARACCILO:

Could you explain to the Legislature what they are and what they're used for, and what the benefits to the County and, in particular, the Sheriffs, the Deputy Sheriffs who are in the field and to the residents of this County?

MR. POLLERT:

Specifically, what the MDT is, it's a mobile data terminal that allows the communication center to directly communicate with the cars. It allows the sworn personnel to call up files, to print files. Specifically, what the advantages to the Sheriff's Department are is that it enhances the scheduling and the routing of the personnel, so that their transportation time is reduced, so that they're not going from one end of the County to the other, that they can do calls in a small geographical type of area, thereby reducing the transportation time and costs.

LEG. CARACCILO:

In that analysis, could you ascribe to this proposal some cost benefit to the County?

MR. POLLERT:

The Budget Review Office has not done a detailed cost analysis. The savings that inured to the Civil Division, which is always out in the field, should be far in excess of the cost of the MDT's.

LEG. CARACCILO:

Thank you, Madam -- I mean, Mr. Pollert. And, Madam Chair, I would suggest that the Legislature take heed to that last comment by the Director of Budget Review Office. This is not a cost neutral proposal, this is a positive proposal for taxpayers, for the County as a whole. It should be supported.

P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Yeah. Legislator Postal, just to continue where Legislator Caracciolo left off, the other two items are approximately \$70,000. And not that I'm, you know, demeaning \$70,000. I took a look this morning. The software on some of the computers in my office is 1998, which is five year old software, and, you know, I've got computers that are well over three years old. You know, my staff constantly complains, and in talking to other Legislators about being knocked off the

internet. In fact, your staff shared that with me. It's actually the hard drive, it's the capability of the hard drive, it's capability of the computer, it's the capability of the lines to the office. And part of the problem really is the hardware, and that has been an enormous waste of time of, you know, my staff and other people's staff.

And as far as flag poles, those requests actually came from the employees of the health centers well over a year ago now. The four health centers in question are the Brentwood Family Health Center, the Martin Luther King Health Center, the South Brookhaven Health Center in Patchogue, and the Marilyn Shellabarger South Brookhaven Health Center in Shirley. Those are the four facilities that would be getting flag poles. And, as I said, those were based on information provided by the Department of Public Works, I did not make the number up myself.

P.O. POSTAL:

Anyone else?

LEG. HALEY:

Yeah, quickly.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

When it comes to the cell tours, they don't -- you know, aren't mutually exclusive as cell tower, it has to fit into a larger matrix. So just picking, saying, "All right, we're going to put a flag pole there," putting a cell tower in that particular location may not even come close to fitting within the matrix. Normally, what would happen is that when they look and they try to design a matrix, they're looking at multiple properties to make sure that they have sufficient coverage. So I think that drives locations, as opposed to vice versa. And I think there would be a practical difficulty in putting cell towers. Not only that, it would put a cell tower in front of every health -- you know, every Health Department office. You know, there are a number of people out there that feel that cell towers aren't healthy, so I don't know if that's going to be politically correct either.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yeah. Actually, Legislator Caracciolo made some of the points that I wanted to make about the data terminals, where I think it's not only needed, but it will result in a cost savings to the County. I would point out, at the sake of being repetitive, that that's the major portion of this spending bill, if you would.

As far as the computers go, I won't beat a dead horse, but I've had extensive conversations with Allan, and the reality is, by not voting for this, all we're going to do is actually put off a problem that we have. The computers will have to be replaced. The idea was to phase in the replacement of the computers, I think this bill does that, so that we don't get -- have to replace all of the computers in the Legislature at one time. So, I think it's important that we maintain that on a regular basis.

So, I would again go back to the only real questionable spending part of this bill is the \$25,000 for the flag poles. I would suggest we move forward with this today, that we certainly talk to somebody at public works before actually spending the \$25,000, that they look at the possibility of some cost-saving measures, because I do think \$5,000 a flag pole is a little excessive. Fred Towle and I, I think, could go to Home Depot and put together some four-by-fours and get a flag high enough for a lot cheaper than that. But, certainly, I'm going to support the bill, and I would urge fellow Legislators to do the same.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I too am planning too support this. I just would make the suggestion that, in the future, we try not coupling all the things together. I know what some of the rationale is behind it, but I think it makes it a little bit easier to take each issue on it own. And I think the issue of the flag certainly, you know, especially in these times, everyone's going to want to be supportive of, and the mobile data terminals.

I just want to speak particularly to the computers. I've had many conversations with the gentleman that works so well on the computers that we have, but Ink they're at the end of their rope as far as working magic, because they've totally ripped the guts out of computers that

we've had to try to repair what's in there, and we really need to have a systematic maintenance approach to what we do, not just with the computers, but with everything, including our buildings and roads. I think we need to know that if you ignore things and let them alone, they fester, and you're only paying, you know, more later down the road. Pay me now or pay me later, but, usually, the later is a lot more expensive.

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Legislator Binder and myself were integrally involved in the beginning of the mobile data terminal procurement process with regard to the Police Department. That was like four or five years ago, right?

LEG. BINDER:

More than that.

LEG. BISHOP:

Six years ago. So I know the value of the mobile data terminals. However, from listening to what everybody says, people have aspects of this bill that they agree with and aspects that they disagree with. So it's correct, that it's a bill that is not properly formed. These should be separate proposals that should rise and fall on their own merits. And I, for one, am not going to vote to make the convenience of the Legislature a priority at a point where we have real fiscal needs, real pain in the County, and we're going to go on an expansion of computers that's not even planned.

Now, the Budget Review Office ultimately, I believe, manages our information technology in the Legislature. We rely on the Budget Review Office on near -- on a host of decisions. They have a plan and I think we should stick to the plan. I don't think that we need to abandon it and suddenly make it, you know, a priority, because occasionally we get bumped off the internet. That is not a prudent way to manage the County's fiscal situation. I'm uncomfortable with that. I don't want to vote for that -- for this for that reason. Let's break out these separate proposals, let them stand and fall on their own merits.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

I share the concern my colleague from the Fourteenth District has about the financial condition all localities in this state and across this nation face as a result of a variety of factors beyond our control. And at the -- the bottom line here, if you're really concerned about the financial condition of the County, one way to help it is by voting for this resolution and voting very carefully on every resolution that comes before the Legislature between now and the adoption of next years's budget.

D.P.O. CARACAPPA:

Roll call.

P.O. POSTAL:

Well, just before we go to a roll call, I would just like to say that, again, I think this is the wrong time. I think we had a plan, which was an intelligent plan, of staggering the purchase of Legislative computers, so that we would not be faced with the need to replace them all at the same time as the warranty expired.

In terms of access to the internet, you will very shortly be receiving a memo from me that points out that we're now monitoring internet usage, and we found some very interesting information. We found -- and, by the way, the information, you'll note, doesn't identify either the department or the user, but you'll find that people are spending enormous, incredible amounts of time on the internet, and they're accessing sites like Mary Kay, Estee Lauder. I'm picking on the women sites, but I assume -- but there are a great many sites which stretch my imagination when I try to imagine how they relate to anybody's job description.

So, you know, I think it's wonderful to be able to access the internet quickly, but, on the other hand, to be spending great amounts of money for that purpose, when we are in a fiscal crisis, and when a great many hours of that internet access is being used for non-work purposes, I think it would be a mistake. And I think that -- I'm hoping that the memo will encourage every supervisor, because it's not just the Legislature, it's in other departments, too, to carefully monitor the staff's use of the internet, and to make the staff aware of what's appropriate and what's inappropriate. But, at this time, I cannot support this resolution.

LEG. HALEY:

I've got to make a point. I'm sorry.

P.O. POSTAL:

Certainly, Legislator Haley.

LEG. HALEY:

Stay out of my office.

P.O. POSTAL:

Oh, it's you. It's your office that had that 600 hours of internet usage.

LEG. GULDI:

It's -- Marty's been looking at Mary Kay.

LEG. HALEY:

No. I'm very pleased with how my office runs, and if my staff chooses to sit on the internet, and they don't, by the way, but if they choose to sit on the internet, that's fine with me. Stay out of my office. As long as they get their job done, I think it -- I'm happy with that. You like it? Mary Kay works well, right?

P.O. POSTAL:

Okay. We have -- Legislator Haley speaks only for himself, I assume. We have a motion and a second to approve?

LEG. TOWLE:

Yes.

MR. BARTON:

Yes. We also have a --

P.O. POSTAL:

To recommit.

MR. BARTON:

To recommit as well.

P.O. POSTAL:

Excuse me, to recommit. Roll call on recommitting.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. FIELDS:

Yes -- pass.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

No.

LEG. GULDI:

Pass.

LEG. CARACCILO:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. NOWICK:

No.

LEG. FIELDS:

Yes.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Motion to approve.

MR. BARTON:

Seven.

LEG. CARPENTER:

Second.

LEG. HALEY:

We have a motion.

MR. BARTON:

Seven. The motion failed.

LEG. CRECCA:

The motion's already there, isn't it?

MR. BARTON:

We have a motion and a second to approve.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Oh, pass.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

No.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. GULDI:

Yes.

MR. BARTON:

11.

P.O. POSTAL:

2017 is approved. **1115 - Amending the 2003 Operating Budget transferring funds for the Vocational Education and Extension Board.** Budget approved it 4-0. The motion was Legislator Caracappa and the second was Legislator Towle. Where's the money coming from?

LEG. TOWLE:

Computer account.

P.O. POSTAL:

Pay-as-you-go? Is this -- I think it was 400,000? Yeah, okay. All in favor? Opposed?

LEG. TONNA:

Opposed.

P.O. POSTAL:

Legislator Tonna, opposed.

MR. BARTON:

17.

P.O. POSTAL:

1115 is approved. **1118 - Amending the 2003 Operating Budget transferring funds for the Contract Agency, Parents for Megan's Law.**

D.P.O. CARACAPPA:

Motion.

LEG. TOWLE:

Second.

P.O. POSTAL:

Motion to approve by Legislator Caracappa, seconded by Legislator Haley.

LEG. CARPENTER:

On the motion.

LEG. TONNA:

What is -- just what is the amount?

P.O. POSTAL:

Legislator Tonna.

MR. SABATINO:

Twenty-two-thousand-seven-fifty-nine.

LEG. TONNA:

And this comes out of the Legislative contingency account?

MR. SABATINO:

No, this is coming from the pay-as-you-go.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Why are we taking one contract agency and adding to this one?

LEG. CARACAPPA:

Because it's the process of the Legislature to do budget amendments four times a year. And I put the resolution in, I found the appropriate offset, it made it through committee, and you have the option to vote yes or no on it.

LEG. TONNA:

Legislator Caracappa, could I ask a question?

P.O. POSTAL:

Legislator Tonna, and then Legislator Towle.

LEG. TONNA:

Why didn't we use a Legislator contingency account?

LEG. CARACAPPA:

Actually, I did use some of that on my end, and also during the budget process, and this would get them up to the point where they don't lose an educator, with relation to sexual abuse on children, in all the school districts throughout the County of Suffolk for this year.

P.O. POSTAL:

Legislator Towle.

LEG. CARPENTER:

Question.

LEG. TOWLE:

I was going to say, on this resolution and the last resolution, you know, we've received a lot of correspondence. I know it was debated pretty heavily in the Budget Committee. Obviously, there are two issues of need, and I think it goes beyond our overall contingency account. It's really a County-wide issue and not a district-wide issue, to answer Legislator Binder's question.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I would just ask Budget Review if you could tell me what the budgeted amount for this agency was last year, and what this would bring them up to this year?

MR. POLLERT:

That, I think, we would have to look up. I don't know what the numbers are offhand.

P.O. POSTAL:

Legislator Caracappa might be able to answer your question.

LEG. CARACAPPA:

Percentage-wise, this would still keep them I think at a 21% decrease from last year. This is just an emergency method to keep that one educator on.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

I just had a quick question. And this is not working?

LEG. FOLEY:

No. Speak up.

LEG. NOWICK:

Just curiously, Parents for Megan's Law is a not-for-profit organization and they run with the help of the County; is that how that --

D.P.O. CARACAPPA:

Partial.

LEG. NOWICK:

Okay.

P.O. POSTAL:

Okay. We have a motion and a second?

LEG. CARPENTER:

I just --

P.O. POSTAL:

Okay, Legislator Carpenter.

LEG. CARPENTER:

I just want to clarify something with Budget Review. It seems that the recommended amount for Parents for Megan's Law in the 2003 was 51,941, and that the adopted amount was 112,941. So this 22,000 would be on top of the 112,000.

MR. POLLERT:

Yes. In fact, we just looked it up, and last year, they had a total of \$148,000.

P.O. POSTAL:

Legislator Caracappa.

LEG. CRECCA:

When you say last Year, you mean 2002?

MR. POLLERT:

For 2002, yes.

LEG. CARPENTER:

So they had 134? I know this would bring them to 134-plus, and last year they had 141.

MR. POLLERT:

Right. Plus, I'm not sure whether or not the County Executive has cut them by 10% or not.

LEG. CARACAPPA:

Actually, last year was over \$150,000, which included member item money.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Yeah. There's some talk going around, people are seeing the offices are, apparently, pretty plush. And I know we're supposed to get some --

LEG. BISHOP:

In their office?

LEG. BINDER:

Well, that's what I'm hearing. I don't know, I haven't been to their office.

LEG. CRECCA:

I'll testify, I've been there, they're not plush.

LEG. CARACAPPA:

They're the furthest thing from plush.

LEG. BINDER:

Okay. Well, how many --

LEG. BISHOP:

Is about protecting kids --

P.O. POSTAL:

Could we --

LEG. BISHOP:

-- from sexual predators.

P.O. POSTAL:

Okay.

LEG. BISHOP:

Give me a break.

P.O. POSTAL:

Let's --

LEG. BISHOP:

They certainly don't have four new computers.

P.O. POSTAL:

Okay. Legislator Binder has the floor.

LEG. BINDER:

Each of these -- my concern is that we're picking out individual contract agencies. There were contract agencies across the board that were cut, and there are a lot of them that deal with family problems, social problems, emotional problems, even these type of specific problems, abuse, and they've all been cut across the board, and we're picking out one here to give money to one, and I'm concerned. I mean, should we then examine each one as they come up and what they've done.

I haven't looked at their budget. I don't know of them being at any of the schools in my district. I've heard they're in schools, but I don't know that they're in any of the schools in my Legislative district. They might be. But I'd like to see some more information on them. I'd like to see a submission. If we're going to do this one at a time, then I would like to examine. And anyone we would do one at a time, and that would be this one or anyone in this kind of circumstance. They're supposed to submit their budgets, so I'd like to take a look at their budget, how much they're -- each their individuals are making, the Director's making, the assistants, the person that we're trying to save here, the educator. We'd like to see what kind of money these people are making and what kind of organization they have.

In the end, I might be willing to support this increase, but I think, if Legislators are going to put agencies in one by one to bring them up when there were across-the-board cuts and everybody's hurting out there, then I think that each individual agency, this one and any agency that comes before us, should then take the scrutiny of a Legislative review. And so I would like, before voting on this, I would like to see their budget and I'd like to see what the Director and other people are making there, and see how many school districts they're in, how they're spending, what they're spending, if -- are we getting the bang for our buck at 150,000. If we're going to do this individually, then they have to take that kind of scrutiny. So I would -- today, I would be voting no, and I'd -- and, in fact, at this point, I'd make a motion to table.

LEG. CARACAPPA:

Madam Chair.

P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. In an effort not to be combative, I'll just say to Legislator Binder, over the eight years that I've been a colleague of yours, you've had a quite a few budget amendments for -- and just a few come to mind, Family Service League, Pederson Krag. No, don't interrupt me. Just to name two big ones. Never did I or any of my colleagues jump up and say we want so see financial reports, we want to see who's making what, we want to see their offices, we want to see what kind of service is provided, what kind of -- what percentage of their work is in my district. I think that's shortsighted at this point in time.

There's a process, a process open to 18 separate Legislators, that you know the rules and regulations better than anyone of us. You had an option to go and pick out, review and prioritize which contract agency in your district or throughout the County of Suffolk was important to you, and go through the process of budget amendments under the Davis Law. I did that. I did my homework, I found an offset, just as you had the ability to did that.

Legislator Carpenter spoke about the budget numbers. What else do you want? I think you're being unfair. You're singling this one agency out, and this is a very important agency. And it's not even located in my district, it's a County-wide program that helps children and communities

against sexual predators, one of the most vile, disgusting crimes that could be committed against anything or anyone, so -- and I think we should try to bring them up to a certain level, so that they operate and protect children.

If you have a certain problem with that based on the process, you've made it clear, but don't penalize them, or another Legislator, or a program, because maybe, in my estimation, other Legislators didn't go through the budget process, as they probably should have.

LEG. BINDER:

Would you suffer an interruption, so I can answer the questions?

D.P.O. CARACAPPA:

I'm done.

P.O. POSTAL:

After Legislator Carpenter. She'll waive --

LEG. BINDER:

Get me back on the list, since you want to give me that courtesy, sure.

P.O. POSTAL:

If she'll waive her time to you.

LEG. CARPENTER:

I just wanted to, and it's really not a reflection on this particular agency, but I -- it triggered something and I want to mention it before we move forward. Budget Review, have all of these contract agencies filed the necessary reports that we required? I know that your office had worked long and hard on developing that form with Audit and Control, as far as what their salaries are.

MR. SPERO:

Most did. I could -- if you want, I'll get the specifics for this agency.

LEG. CARPENTER:

It's probably not a bad idea, as we have all of these coming before us, to make sure that they

are in compliance before we move forward.

D.P.O. CARACAPPA:

Just vote no.

P.O. POSTAL:

Allan.

LEG. BINDER:

Right, I'd like to answer. The --

LEG. CARPENTER:

Excuse me. I'm planning to start it.

P.O. POSTAL:

Oh, I'm sorry.

LEG. CARPENTER:

No. I'm talking to --

P.O. POSTAL:

Oh.

LEG. BINDER:

The question of whether we all have individual contract agencies, and I've had in the past my interest in Family Service League and Pedersen Krag, is to -- that interest has come up during the budget process itself. I haven't had individual amendments to come onto the floor during a Davis process, amending process, especially in a time when we're looking at budgets so carefully in terms of fiscal concerns. But when I've looked at those agencies and others, that's during the regular budget process, fitting in with the whole budget question, and everyone had that opportunity. In fact, in some years past, I haven't even had that opportunity with those agencies, haven't even gotten the opportunity to help them, because I was outside the budget process. But I have tried to help them, but not in this particular process.

The Davis process is very -- in the time I've been here, and we're going on now 14 years, and

that most of those years we've had a Davis amending process, and in that process, we normally haven't, we have sometimes, we normally don't look at one particular agency. There's usually programs or general programs that we look at and try to fund, but usually not individual agencies. And this year's particularly special because there was such an across-the-board cut that so many agencies were hurt. I don't want to hurt -- I don't want to hurt particularly this agency. The problem is that there are a lot of agencies. It's not because I -- well, I didn't think of it, so I have to wait until the next one and I'll get my agencies in, too, it's not about that. The fact is that there was an across-the-board cut, and before we're putting money back into any individual agencies, I think that we should look closely, then, at that particular agency. If someone wants to put that agency up for scrutiny, then that's the cost of going through this -- should be the cost of going through this particular process. I would want to see the information from Budget Review on this.

And, by the way, if I put in a Davis amendment on Family Service League or Pedersen Krag during the next cycle, I would expect the same thing to go for them. I would expect the same scrutiny that I'm calling for for this agency. It's not because of this agency, it's because it's coming up in this process, so I wouldn't want to vote until we at least had that information from Budget Review. I would hope we could postpone the vote until we see the information they have.

P.O. POSTAL:

Legislator Caracappa.

D.P.O. CARACAPPA:

Just one question for any colleague who wants to answer this, who voted yes on the last budget -- I mean, 2017. What was the amount for computers of over \$40,000 for our district offices, and what's the amount here for Child Protection Agency?

LEG. CRECCA:

Twenty-two thousand.

LEG. CARACAPPA:

Twenty-two thousand. Okay. So those who are making the argument now we shouldn't spend this twenty-something thousand dollars to protect children, but we should spend forty-something thousand dollars to put new computers in our offices, it's absolutely hypocritical and

disgusting.

LEG. CARPENTER:

Excuse me. Put me on the list.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I would just like to ask that we not confuse not wanting to support a bill with asking questions. I do think that Legislators have a right to ask questions and make sure that they have a comfort level before they go ahead and support something they plan on supporting. So don't characterize someone who's asking questions, and I'm only speaking for myself, as to, you know, wanting the information.

P.O. POSTAL:

Jim, did You have something you wanted to --

MR. SPERO:

Parents for Megan's Law is not on the list of agencies that did not comply with the request for information, so they have apparently complied.

P.O. POSTAL:

They have complied. So that that information is available. I would just -- we're in a very difficult year, we all know that. We all know this each of us has agencies that we have particular concern about, that for one reason or another, we recognize as being extremely important. We don't have anywhere near the money to restore funding to all of those agencies, we know that. So that it's impossible for us to weigh everything through the eyes of restoring everything.

Legislator Caracappa has put a bill in. It's a bill that would restore some funding to an agency, which he sees as a worthy agency. Frankly, I see it as a worthy agency, too. And if you think it's a worthy agency, then vote for the bill. If you don't, don't vote for the bill. But don't vote against the bill because you're saying that we should restore all agencies before we restore one, because that's just not possible. So let's not do universal damage. If we can rescue some

services, let's do it. I think we have a motion and a second.

D.P.O. CARACAPPA:

A tabling motion.

P.O. POSTAL:

A tabling motion.

D.P.O. CARACAPPA:

No second.

P.O. POSTAL:

No second?

MR. BARTON:

No second.

P.O. POSTAL:

Motion to approve, Legislator Caracappa?

D.P.O. CARACAPPA:

Absolutely.

LEG. CRECCA:

Second.

P.O. POSTAL:

Second by Legislator Crecca. Roll call.

MR. BARTON:

On the motion to approve.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Nope.

LEG. BINDER:

Abstain.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

15-2, with one abstention.

LEG. CARACAPPA:

Henry, I request a vote slip on that, please.

P.O. POSTAL:

1118 is approved. **1145 (To transfer surplus Health Plan funds for restoration of cuts for Patient Care Services in County Health Department.**

LEG. FOLEY:

Motion to table.

P.O. POSTAL:

Motion to table by Legislator Foley, seconded by myself. All in favor? Opposed? 1145 --

MR. BARTON:

18.

P.O. POSTAL:

-- is tabled.

ENVIRONMENT, LAND ACQUISITION & PLANNING

Environment, Land Acquisition and Planning. **1162 - Authorizing planning steps for the acquisition of land under pay-as-you-go quarter cent Taxpayer (Protection Program land of National Audubon Society, Town of Islip).**

LEG. FIELDS:

Motion to table.

P.O. POSTAL:

Motion to table, Legislator Fields, second by Legislator Alden. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1162 is tabled. 1177A. This must be for a bond that we didn't have at the time.

MR. BARTON:

That's correct.

P.O. POSTAL:

All right. **1177A - A resolution authorizing the issuance of \$20,000 Serial Bonds (of the County of Suffolk, New York, to pay the cost of the acquisition of Normandy Manor (CP 7430).**

LEG. VILORIA-FISHER:

Motion.

P.O. POSTAL:

Motion to approve, Legislator Fisher, seconded by --

LEG. VILORIA-FISHER:

Cooper.

P.O. POSTAL:

Cooper?

LEG. BISHOP:

I have one question of the Budget Review.

P.O. POSTAL:

Legislator Cooper. Yes, Legislator Bishop.

LEG. BISHOP:

There's no doubt that we need to find the \$20,000, it's simply a closing cost adjustment, but why are we bonding for it?

LEG. HALEY:

It was cheap.

MR. SPERO:

But we don't have a lot of pay-as-you-go money and this is part of the acquisition cost, which is normally bonded when we get these acquisitions.

LEG. BISHOP:

So it's in the same bond or --

MR. SPERO:

No, this will be a different -- a different bond. This a new --

LEG. BISHOP:

And you find that appropriate?

MR. SPERO:

This is an additional \$20,000 authorization for the acquisition of the --

LEG. BISHOP:

And I'm asking the Budget Review Office, when the Legislator said he needed \$20,000 to close the deal, or the Real Estate Division said that, this is the appropriate vehicle to do it, a bond?

MR. SPERO:

Yeah. We took the capital money, because it was for the acquisition of the land.

LEG. BISHOP:

Okay.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

I have a question of Budget Review. This is the -- just to refresh my memory on this, this is the one that is being purchased over the appraised value?

LEG. CRECCA:

No. This was -- oh, I'm sorry. I know the answer.

MR. SPERO:

The Legislature passed a resolution to set the value at \$1,390,000, I believe.

LEG. ALDEN:

And what was the appraised value?

MR. SPERO:

It was a -- it was a procedural motion.

LEG. ALDEN:

What did the appraisal come in on that? It was lower than that, wasn't it?

MR. SABATINO:

This was -- okay. There were three things. One, you authorized the initial acquisition and you bonded that acquisition. Number two, that was accompanied by the new procedural motion with two-thirds vote, because the value was set above the mean appraised value. Third thing that happened was you appropriated the proceeds at the meeting in December, but the bond resolution somehow got lost in transit, so we've appropriated the money already. That was done by the requisite vote, but you need the bond resolution to catch up to the appropriation.

LEG. ALDEN:

Okay. I was just refreshing my recollection, that this was one of those, that we were actually purchasing it above the appraised value. Thank you.

P.O. POSTAL:

Okay. We have a motion and a second on this?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor?

MR. BARTON:

No, it's a bond.

P.O. POSTAL:

Oh, it's a bond. Sorry. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. TOWLE:

Pass.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. FIELDS:

Yes.

LEG. TOWLE:

No.

MR. BARTON:

12.

P.O. POSTAL:

1177A is approved. **1178 - Making a SEQRA determination in connection with the proposed improvements to County Road 12, Oak Street, between Wellington Place and Lake Street, Amityville (Town of Babylon, CP 3301).**

LEG. BISHOP:

Motion.

P.O. POSTAL:

Approved 6-0. Motion, Legislator Bishop, seconded by myself. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1178 is approved. **1179 - Making a SEQRA determination in connection with the proposed radio transmitter site (for Suffolk County Police Department, site at Northport Veterans Memorial Hospital, Town of Huntington).**

LEG. FOLEY:

Motion. Motion.

P.O. POSTAL:

Motion by Legislator Foley. It was approved 6-0. Second by Legislator Cooper. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1179 Is approved. **1180 - SEQRA determination in connection with the proposed renovation at the Yaphank Correctional Facility, Town of Brookhaven.** Approved 6-0.
Motion.

LEG. CARACCILO:

Here.

P.O. POSTAL:

Legislator Towle, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1180 is approved. **1181 - SEQRA determination in connection with the proposed improvements to Riverhead County Correctional Facility (C-141, Town of Southampton)**

LEG. GULDI:

Motion.

P.O. POSTAL:

Where was that? Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1181 is approved. **1185 - Donation and dedication of certain lands to County parks.**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Foley.

LEG. HALEY:

Second.

P.O. POSTAL:

Second by -- who was that? Legislator Haley. All in favor? It was approved 5-0, 1 abstention.
All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1185 is approved. 1186 -- **1186 - Donation and dedication of certain lands to County parks.** Approved 6-0.

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion, Legislator Haley.

LEG. FOLEY:

Second.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1186 is approved. **1187 - Donation and dedication of certain lands to County parks.**

Approved 6-0. Motion, Legislator Haley, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1187 is approved. **1188 - Making a SEQRA determination and approving a management plan regarding the Environmental Facilities Corporation application establishing a line of credit for \$62 million to purchase environmentally sensitive lands and farmlands.**

Approved 6-0. Motion, Legislator Bishop?

LEG. BISHOP:

Yeah.

P.O. POSTAL:

Second, Legislator Fisher. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. POSTAL:

Legislator Alden is opposed.

MR. BARTON:

17.

P.O. POSTAL:

1188 is approved. **1196 - Amending the 2003 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Department of Public Works for the administration of a new Water Quality Unit in the Department of Public Works and creating positions in the Department of Public Works.** Approved 6-0. Motion by Legislator Bishop, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1196 is approved. **1203 - Authorizing land acquisition under pay-as-you-go quarter cent Taxpayer Protection Program for the Adamowicz Property (Town of Southold, Suffolk County Tax Map No. 1000-121.00-05.00-004.001).**

LEG. CARACCILO:

Motion.

P.O. POSTAL:

Motion by Legislator Caracciolo.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Guldi. All in favor? Approved 6-0, by the way. Opposed?

MR. BARTON:

18.

LEG. VILORIA-FISHER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Fisher.

LEG. VILORIA-FISHER:

Okay. This is for acquisition?

LEG. CARACCILO:

Of the Drinking Water Protection Program in the Town of Southold.

LEG. VILORIA-FISHER:

Okay. And what were the appraisals on this?

LEG. CARACCILO:

Paul, might have that information. I know this was within the appraised value, it was not in excess.

MR. SABATINO:

I know we're paying not above the appraised value, because that was discussed in committee. The total amount that we're paying, based on appraisals, is \$1,603,800 for 69.4 acres.

LEG. GULDI:

The Town's putting up half.

P.O. POSTAL:

Okay.

LEG. VILORIA-FISHER:

Okay.

P.O. POSTAL:

Other questions?

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

Just let's put it on the record what this score, as far as, you know, we have a ranking system, what the purpose is to preserve this property.

LEG. CARACCILO:

Drinking Water Protection.

LEG. ALDEN:

Don't they rank those properties, too, though?

MR. SABATINO:

The ranking system only applies to Open Space.

LEG. CARACCILO:

That's only on the Open Space Program, the ranking system.

LEG. ALDEN:

All right. Then let's put on the record why we're buying this land.

LEG. CARACCILO:

I said Drinking Water Protection.

P.O. POSTAL:

Use your mike.

LEG. CARACCILO:

I'm sorry. It's being purchased in the Laurel Lake area, where the County already has substantial holdings. The Town of Southold has a very shallow water aquifer, so wherever we can purchase land like the Adamowicz Property that can be a potable water supply for the current and future residents of the Town, we should do so. Highly recommended by the Planning Department, highly recommended by the Suffolk County Water Authority.

LEG. ALDEN:

If I may address the sponsor, then. Does this abut above groundwater, or is this just an aquifer protection?

LEG. CARACCILO:

Aquifer Protection. But there is -- in the area, there is some fresh lake. Laurel Lake is a fresh lake water body.

LEG. ALDEN:

And then was there pressure for development on this property?

LEG. CARACCILO:

Yes.

LEG. ALDEN:

Okay.

P.O. POSTAL:

Okay. We have a motion and a second? All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1203 is approved.

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

Ways and Means, Real Estate Transactions and Finance. **1119 - Establishing cost effective "Smart Growth" land use plan for Kings Park Psychiatric Center (KPPC). It was discharged without recommendation 6-1.** Motion to approve by Legislator Nowick, seconded --

LEG. CARPENTER:

Second.

P.O. POSTAL:

-- by Legislator Crecca. All in favor? Opposed.

LEG. ALDEN:

Abstain.

P.O. POSTAL:

Abstain, Legislator Alden.

MR. BARTON:

17.

LEG. VILORIA-FISHER:

Cosponsor, Henry, please.

P.O. POSTAL:

1119 is approved. **1159 - Naming soccer field in Yaphank as Marty Johnson Soccer Complex.**

LEG. TOWLE:

Motion.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator Towle, seconded by Legislator Foley. It was approved 7-0. All in favor?
Opposed?

LEG. CARPENTER:

Excuse me, if I could. I'm supporting it, but I think it would be nice, for those of us who might not know who he is, to put on the record, you know, why he is being honored this way, his memory.

LEG. TOWLE:

Legislator Postal, if you would let me, I guess I will. A letter was sent out as backup from one of the two groups that will be using the facility. Marty Johnson was one of the people that helped us organize the use of this County property for the purpose of soccer fields between the South Country Youth and Soccer League and the Mastic Sports League. Unfortunately, Marty Johnson died of cancer during the time frame of when this started to now, when the facility is going to be used, so the group felt it was appropriate to try to name the facility after him.

LEG. HALEY:

All in favor?

P.O. POSTAL:

Okay. There's a motion and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1159 is approved.

LEG. FOLEY:

Henry, put me on as a cosponsor.

P.O. POSTAL:

1176 - Sale of County-owned real estate pursuant to Local Law 13-1976 pursuant to --

I think there's a little typo here.

LEG. FOLEY:

Motion.

P.O. POSTAL:

Anthony Buono. Motion by Legislator Foley, seconded by Legislator Haley. It was approved 7-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1176 is approved. **1182 - Naming County Court Library in Riverhead as the Charles Newell County Court Library.** Motion by Legislator Guldi.

LEG. TOWLE:

Second.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Second by Legislator Carpenter. It was approved 7-0. All in favor?

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion.

LEG. ALDEN:

Just, Legislator Guldi, could you just put it on the record?

LEG. GULDI:

Absolutely. Charlie Newell was a -- is a former District Attorney in Suffolk County who was quite a character. He actually -- well, in the -- in a sense, he held court for years in that Suffolk County Library -- Law Library in Riverhead where he would sit down and take on all issues, all covers, discuss any legal issue that anyone was interested in.

Charlie, unfortunately, had a long and unsuccessful bout with cancer. But, I mean, many -- some of the memorable things that Charlie did, for example, was once he once appeared in the Appellate Division on his way to the opera in his morning coat and top hat, only to have the Chief Judge say that he was glad to see that he finally had an attorney before him who knew how to dress for the Appellate Division.

But this -- the suggestion for the naming actually came from Mr. Besso at the Bar Association and I wholeheartedly support it.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1182 is approved.

PUBLIC SAFETY & PUBLIC INFORMATION

Public Safety and Public Information. I'm going to skip over 1080 -- oh, there is -- well, wait. There's a Certificate of Necessity being distributed for 1080, so we'll just wait until you receive that.

LEG. TOWLE:

Legislator Postal, as they're distributing that --

P.O. POSTAL:

Yeah.

LEG. TOWLE:

-- can we skip this over until after the lunch break? I'm still waiting for a letter from the Department of Public Works.

P.O. POSTAL:

Okay, sure.

LEG. TOWLE:

And I, obviously, want a chance to read the CN.

P.O. POSTAL:

Sure. So we'll go to **1147 (To establish financial incentive of local enforcement of Suffolk County Vehicle Seizure Law).**

LEG. TOWLE:

I want To make a motion to table that for one meeting.

LEG. FOLEY:

Second.

P.O. POSTAL:

Okay. Motion to table, second by --

LEG. CARPENTER:

Second.

P.O. POSTAL:

-- Legislator Foley. All in favor? Opposed.

LEG. GULDI:

Hold on. Which one are you tabling?

LEG. CARPENTER:

1147 is tabled.

LEG. VILORIA-FISHER:

1147.

MR. BARTON:

18.

P.O. POSTAL:

1147 is tabled. **1190 - Accepting and appropriating \$7,500,000 made payable by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) (for 100 additional Suffolk County Police Officers with 25% Federal support).**

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by myself. Approved 6-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1190 is approved.

PUBLIC WORKS & TRANSPORTATION

Public Works and Transportation. **1206 - Authorizing public hearing for authorization of rate alterations for Sayville Ferry Service for Cross Bay Service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grove and Water Island.**

LEG. CARPENTER:

Motion.

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Foley. It was approved 5-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1206 is approved.

HUMAN SERVICES

Human Services. **1183 - Waiving Early Retirement Program restrictions for Child Protective Services.** Motion --

LEG. VILORIA-FISHER:

Motion to approve.

P.O. POSTAL:

It was approved 4-0. Motion to approve by Legislator Fisher.

LEG. TOWLE:

Second.

P.O. POSTAL:

Second by Legislator Towle. Would you like to explain it, Legislator Fisher?

LEG. VILORIA-FISHER:

Certainly. As we all know, during the omnibus amendment to the budget during that process, we had included a prohibition to hiring back retirees, because there had been some abuses in

high payment of retirees as consultants. However, due to the backlog in the Child Protective Services, which in great measure is due to the fact that the people that have been hired during their training cannot carry a caseload, we are providing a waiving of that early retirement restriction or prohibition, so that the Department of Social Services could hire back ten people for no longer than six months in order to alleviate that caseload, because we do need people with training and people with experience to hire the caseloads. So this is not hiring the people, but, rather, waiving the restrictions and giving the Department of Social Services the ability to seek those experienced retirees.

P.O. POSTAL:

Okay.

LEG. CARACCILO:

Question.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Yes. Mr. Pollert, could you just explain if this is a positive in terms of the financial impacts?

MR. POLLERT:

It was actually a recommendation of the Budget Review Office in our Operating Budget review, because the retiree is already covered with health benefits. It would be less expensive to bring back a retiree on a part-time basis than hiring a new employee. It's a stopgap measure until the department's employees that were recently hired get the requisite training time and come up to speed. So what this would do is it would in turn increase the availability of staff and decrease what the overtime expenses are. And there are sufficient funds in the Department of Social Services to be able to carry this out in the payroll account

LEG. CARACCILO:

Okay. Does it set any type of precedent that should not automatically be followed elsewhere?

MR. POLLERT:

No, because it's very specific to just the Child Protective Services, so it doesn't give carte blanche to the department to rehire administrative staff in other departments, it's just for the Child Protective Services.

LEG. CARACCILO:

Okay. My copy of the resolution doesn't have the FIS. What is the financial impact?

MR. POLLERT:

Basically, there was no fiscal impact. My recollection was there was no fiscal impact, because there were sufficient appropriations in the payroll account, and there should be a savings in the overtime account.

LEG. CARACCILO:

Okay. But the resolution --

MR. SABATINO:

But the bill itself -- just to interject, the bill itself limits the total appropriation --

LEG. CARACCILO:

Two hundred thousand.

MR. SABATINO:

Two hundred thousand. That was explicitly written in.

LEG. CARACCILO:

Right, right. So, I guess my Real question is, is that \$200,000 going to be money well spent from the standpoint that if we didn't rehire these individuals on a temporary basis and this one time only, that, in effect, we would have expenditures in excess of that because of overtime and other expenses?

MR. POLLERT:

There definitely would be an impact in overtime, and what it does is it reduces the caseload per employee --

LEG. CARACCILO:

Which is very important.

MR. POLLERT:

-- until everybody comes up to speed with respect to the training. I can't say that we're going to directly save \$200,000 worth of overtime, but it's going to redistribute the workload. We're also not sure the number of employees that had retired that would be willing to come back. So the \$200,000 is an upper limit.

LEG. CARACCILO:

Right. Okay. And, more importantly, it enables us to reduce the caseload, which we've been under the gun from the State to do. Okay.

LEG. VILORIA-FISHER:

And it helps us to safeguard the health and safety of the children of Suffolk County.

LEG. FOLEY:

That's the idea.

P.O. POSTAL:

Okay. We have a motion and a second. All in favor? Opposed?

LEG. FOLEY:

Cosponsor, Henry.

LEG. BINDER:

Cosponsor.

MR. BARTON:

18.

LEG. CRECCA:

Cosponsor, Henry, also.

P.O. POSTAL:

1183 is approved.

LEG. HALEY:

Henry, me, too.

ECONOMIC DEVELOPMENT & ENERGY

P.O. POSTAL:

Economic Development and Energy. **1081 - A local law authorizing the designation of an Empire Zone.** I've been asked to table this, because, apparently --

LEG. HALEY:

Second.

P.O. POSTAL:

-- The Town of Riverhead is entering into a memorandum of agreement and the resolutions needs to be modified to reflect that.

LEG. HALEY:

Okay, second.

P.O. POSTAL:

We have a motion and a second. All in favor of tabling? Opposed?

MR. BARTON:

18.

LEG. CARACCILO:

Madam Chair, just on that last remark. Is this issue time sensitive?

P.O. POSTAL:

I really wasn't given information.

LEG. CARACCILO:

Okay. As long as it's not time sensitive with respect to the parties involved in the agreement, I'll

support the tabling motion.

P.O. POSTAL:

Thank you. Actually, I don't think it is. I think it's regarded as somewhat of a miracle that things seem to be moving along smoothly. So 1081 is tabled. **1082 (Adopting Local Law No - 2003, a Local Law amending the designation of an Empire Zone).** Motion to table.

LEG. HALEY:

Second.

P.O. POSTAL:

Second. All in favor?

MR. BARTON:

18.

P.O. POSTAL:

1082 is tabled.

HEALTH, EDUCATION & YOUTH

Health, Education and Youth. **1193 - Approving the transfer of Reserve Funds to Operating Funds at Suffolk County Community College for deferred maintenance.**
Approved --

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. FOLEY:

Pursuant to a request from the College Administration, they've asked that this resolution be recommitted to committee.

P.O. POSTAL:

Oh.

LEG. FOLEY:

Okay?

LEG. ALDEN:

Second.

P.O. POSTAL:

You're making that motion?

LEG. FOLEY:

I'll make the motion.

P.O. POSTAL:

Legislator Alden is seconding it. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1193 is recommitted. **1202 - Authorizing the Suffolk County Legislature to annually honor a Suffolk County Teacher.** Approved 3-0-0-2.

LEG. NOWICK:

Motion.

LEG. CARPENTER:

Second.

P.O. POSTAL:

I think that was motion by Legislator Nowick, second by Legislator Carpenter. On the motion, Legislator Alden.

LEG. ALDEN:

Just if I can get an explanation. How is this going to operate? Are we all going to submit names? Because I think I have forty-two schools in my Legislative District alone, so times whatever number of teachers there are in that, that's quite a few.

LEG. NOWICK:

No. We're going to have a committee that will decide.

LEG. ALDEN:

Out of what, though, out of all of Suffolk County, we're going to honor one teacher?

LEG. NOWICK:

Yes.

LEG. ALDEN:

Each year?

LEG. HALEY:

What about Man of Distinction?

LEG. NOWICK:

Yes, like the Poet Laureate.

P.O. POSTAL:

Introduce a resolution, Marty.

LEG. FIELDS:

Introduce that resolution. I'll vote on it.

P.O. POSTAL:

Okay.

LEG. FIELDS:

I'll vote on it.

P.O. POSTAL:

We have a motion and a second. All in favor? Opposed?

LEG. ALDEN:

Abstain.

P.O. POSTAL:

There's an abstention.

MR. BARTON:

17.

LEG. CARPENTER:

Cosponsor.

MR. BARTON:

17, 1 abstention.

P.O. POSTAL:

And there's -- Legislator Carpenter would like to cosponsor it. 1202 is approved.

CONSUMER PROTECTION & GOVERNMENT OPERATIONS

Consumer Protection and Government Operations. **(2297) - A Charter Law directing Suffolk County action to roll back cable television rates in Suffolk County.** Approved 4-0.

LEG. HALEY:

Second.

LEG. ALDEN:

No. Well, I wanted to move this today. The people did come down here from Cablevision I had a discussion with them prior to their coming down, and I had agreed for one cycle to table it.

LEG. HALEY:

Okay, second.

P.O. POSTAL:

Okay. There's a motion to table by Legislator Alden, seconded by Legislator Haley. All in favor?
Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2297 is tabled.

VETERANS & SENIORS

Veterans and Seniors. **1191 (Amending the 2003 Adopted Operating Budget and transferring funds within the Suffolk County Office for the Aging).** Approved 3-0-0-1.
Motion by Legislator Lindsay, seconded by Legislator Haley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1191 is approved.

PARKS, SPORTS & CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs. **1201 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation.** Approved 5-0-0-1.
Motion?

LEG. CARACCILO:

Explanation.

LEG. FIELDS:

I'll make a motion.

P.O. POSTAL:

Motion to approve by Legislator Fields. Is there a second?

LEG. FOLEY:

Second.

P.O. POSTAL:

Second, Legislator Foley. Legislator Caracciolo, on the motion.

LEG. CARACCIOLO:

An explanation, please.

P.O. POSTAL:

Explanation, Mr. Sabatino.

LEG. CARACCIOLO:

Which properties are being transferred?

MR. SABATINO:

This will transfer 87.24 acres, which are adjacent to the Miller Place- Yaphank Road Nature Preserve, and the effect will be to reduce County payments for property taxes in the amount of \$37,990.95 by giving it a park status.

LEG. CARACCIOLO:

Okay.

LEG. FOLEY:

We received the properties, I think, for nonpayment of taxes. It's a substantial property and it's one whole piece of eighty some-odd acres and it's quite a find, preserving by a transfer.

LEG. TOWLE:

Where is it located again?

LEG. FOLEY:

It's located in the Miller Place --

MR. SABATINO:

It's next to the Miller Place-Yaphank Road Nature Preserve.

P.O. POSTAL:

Okay.

LEG. FOLEY:

If you will, southern Miller Place, if there was such a thing.

P.O. POSTAL:

We have a motion and a second. It was approved 5-0-0-1. All in favor? Opposed?

MR. BARTON:

16, 2 not present.

P.O. POSTAL:

1201 is approved. Before we move to the Senses, there are three vetoes. And I would like to make a motion to override **Resolution Number 188 of 2003, transferring contingent funding for various contract agencies.**

LEG. TONNA:

Second.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Tonna. All in favor?

LEG. VILORIA-FISHER:

Wait. Just give us a minute.

P.O. POSTAL:

Certainly.

LEG. FOLEY:

Which number is it?

LEG. GULDI:

188.

P.O. POSTAL:

It's 188 of 2003.

MS. BURKHARDT:

It's in your folder.

P.O. POSTAL:

Okay. Was there -- okay. I think, Legislator Caracappa, you wanted the floor?

D.P.O. CARACAPPA:

I guess, I should have asked this question earlier to the County Executive. In the spirit of cooperation between the Legislature and the County Executive's Office as of late with relation to mid-year budget problems or working on those budget problems, he says in his veto message that, though he does not disagree with this, in fact, he had put this money in his proposed operating budget, he feels that maybe we should postpone it until we finish our review and our proposals about mid-year year plan to deal with the budget crisis. Has he offered up a date as to when this might be suitable for him to revisit and have it -- I don't know we should -- I should ask this question now. I know I should have asked it earlier.

P.O. POSTAL:

No, it's all right.

D.P.O. CARACAPPA:

Todd.

MR. JOHNSON:

Well, I think we're both working together. I think the BRO and the Budget Office are both working together as far as developing a budget deficit action plan. I don't think that they've come to any final plan yet. I'm hoping -- I believe that he's hoping that this would encourage us to get together and finalize those plans as quickly as possible. We're not looking to hold things up, we're looking to get to the end to come up with a plan as soon as possible. There's no specific date. We're working together to try to find out what exactly our situation is how we're going to address it.

LEG. CARACAPPA:

The real reason I raise the question is I have to agree with that based on the fact that I fully committed to working with the County Executive and members of this body to review the budget now. And though, of course, I support each and every one of these agencies in here, for which I've put in many of them, I will support sustaining of the veto until we do have a plan in place. And it would be my reasoning to do this bill after we have a plan in place with the public as it relates to our finances.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Yes. I do agree with Legislator Caracappa, but my concern here is that many of these organizations are very small organizations.

LEG. CARACAPPA:

Yes, I agree.

LEG. NOWICK:

And they do depend on possibly -- VFW's, they depend on paying their fuel bills, and soccer organizations, they're starting now, and I think time might be of the essence. And I know where you're coming from here, but that is my concern, that we need to move this along as expeditiously as possible.

D.P.O. CARACAPPA:

Can I? I think it's just a month time that we're going to have a plan, a budget action plan in place, and I think a month is I think worth the wait.

LEG. VILORIA-FISHER:

Madam Chair.

LEG. CARACAPPA:

Even though I fully agree with you, these agencies need it, I work hard to fund these agencies, just as 17 of my colleagues do, but a month's time to see what kind of footing we're on maybe gives us a better understanding as to which direction we're going, number one, and it does show that spirit of cooperation with the Executive Branch of government as we forge ahead in trying to deal with these very difficult problems.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Although I have committed to working collaboratively, I have to agree with what Legislator Nowick has indicated, that these are -- many of these are, in fact, a majority of these are small agencies that depend on these monies. And if our intent is to -- is to provide these resources for them, then I think that in dealing with it honestly, we -- if we're going to provide them anyway in a month, why not provide them now and have them as part of what we know would be whatever budget plan we come up with in a month. We know that this is already set, so I will support overriding the veto.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

I agree with Legislator Fisher. I really don't see the fiscal impact of delaying this money one month. I don't see how it's going to make any difference at all in the overall financial status of the County. And I'll go back my original comments from this morning. We're picking up pennies and watching dollars fly out the window. We're shipping 50 prisoners Upstate at a cost of over a million dollars a year. Something should be done with that, rather than take some money away from local organizations.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. Legislator Lindsay really made a very valid point there. I am going to support the override, and I, too, do not want it to be construed as not wanting to work cooperatively with the Executive Branch of government, because I'm really very committed to do that. I think I've always demonstrated a willingness to be supportive and cooperative in any way that we can in working together. But, again, these agencies, it he would be too late. I mean, now is -- you know, you're almost in -- you're well into April, and they need to know where they stand.

And I also think it's important for the record to note that with this funding for the contract agencies, that when we deliberated and labored over the budget last fall, we were very cognizant of the fact that we were in tight fiscal times, and that we reduced the overall amount of funding that was going to go to the contract agencies. And in light of the cuts that they've not only gotten 10% cuts from the County, but cuts from the State and from every place else, now more than ever I think they need that helping hand from the County.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

I believe that it is all -- that all Legislators wish to be cooperative. However, I can point to a personal experience last year when I tried to cooperate, and money was put aside for the casting for a recovery program for breast cancer survivors. And I tried to cooperate for several months and found out that the NYFTTA, New York Fishing Tackle Trade Association, took a loan out to pay for the program, and because of things that happened within the departments, they actually defaulted on their loan. So for us to wait for these contract agencies to get their money I think is only going to hurt -- actually hurt the contract agencies in ways that we have no idea about.

P.O. POSTAL:

Legislator Haley, and then Legislator Caracciolo.

LEG. HALEY:

I think this is the only way the Legislators can target specific services in their district. We in the

County tend to do generic programs. This is the only way we could really bring County government into the neighborhoods through a program like this. Not only that, a lot of us have already told the agencies they're getting the money.

No, just a point of personal privilege. I just want to congratulate Vinny DeMarco, President of the Deputy Sheriffs. He looks a little haggard, because he just got married. Congratulations, Vinny.

LEG. CARPENTER:

Oh, how nice.

(Applause)

P.O. POSTAL:

Congratulations, Vinny. You actually look very healthy to me.

LEG. HALEY:

He just got a beating from her, that's why.

LEG. ALDEN:

That's appropriate coming from you, too, Marty.

P.O. POSTAL:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Just to echo the remarks by Legislator Fields, we had a similar situation on the East End, where Legislator Guldi had a member grant item in for the Peconic Baykeeper, and, literally, they were held hostage until the eleventh hour, because of their apparent disagreement on the Vector Control Plan. And at the end of the day, the year ended and they were -- they never received the \$10,000 grant that they were intending to receive and that's unfortunate. So I think, when people want to work in a mutual cooperative manner, they have to demonstrate that first before I can support their efforts to do likewise.

P.O. POSTAL:

Thank you. Well, I'd like to have, I guess, the final word. I, certainly, have made every effort to be cooperative. I do think that cooperation doesn't necessitate agreeing on every issue. And, in this case, the amount of money we're talking about, \$366,000, while I think that's a considerable amount of money to those of us in terms of our own home finances, in terms of the County budget and the amount of the deficit, this is like a drop of water in the ocean. And it is important to all of the small agencies, which depend on the small grants that we're able to provide, to provide services, and especially to those agencies which were cut by 10%.

So I think that if that amount of money could resolve our budget deficit, I'd be happy to sustain the veto, but I know it's not. And, as a matter of fact, if we made all the cuts that we could possibly make, we'd save about 5 million dollars. So we're really looking at increasing revenues and, certainly, \$366,000 is not going to cut it. So roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes, I'm to override the veto.

P.O. POSTAL:

Can we have some order? Nobody can hear what the motion was or what's happening.

LEG. BINDER:

Yes, to override.

LEG. BISHOP:

Yes, to override.

LEG. NOWICK:

Yes, to override.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARACAPPA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

17-1.

P.O. POSTAL:

188 is overridden. **I'd like to make a motion to override the veto on Resolution Number 183 of 2003, to establish County Office Space Policy for downtown revitalization.**

LEG. FOLEY:

Second the motion.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. ALDEN:

Just on the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

The County Executive --

P.O. POSTAL:

Yeah, I see the CN.

LEG. ALDEN:

Oh, you saw the CN.

P.O. POSTAL:

Yeah. The County Executive and I discussed this. The County Executive is not opposed to the concept of siting County facilities in downtown areas. He had two concerns, and they were the, I guess, basis for the resolution that's come over with a Certificate of Necessity. The first one was identifying the downtown areas. I feel we've identified our downtowns areas. We've been giving money to those downtowns areas for I think probably about four years now. If we haven't identified the downtowns, then we've been giving money to who knows where. So that was the first concern I had.

The second concern and the second big change that's in the resolution that's accompanied by a certificate of the necessity is one which allows for a greater degree of ease in granting waivers. And I think that that's -- it really nullifies the purpose of the resolution, because if we leave it up to, for example, the discretion of the department to grant the waivers and remove the Legislature from the process, then we do not exercise our responsibility given to us by Charter of oversight.

In the resolution we passed, there is a waiver provision. It's very specific. It would have to come to this Legislature, so that we could truly examine whether there is a valid reason for not siting in a downtown area.

I will say one thing. When this resolution passed, one of the people in an administrative capacity in this County was heard to say, with a shrug of the shoulders, "Oh, now we'll just get waivers for everything." And if we approve the resolution that's accompanied by the Certificate of Necessity, that's exactly what will happen, it will make it very easy just to ignore this law. We do have the ability to grant waivers, we are sensitive enough and intelligent enough to be able to grant waivers, and that's why I am just seeking to override this veto.

LEG. BINDER:

Madam Chair.

LEG. CRECCA:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Binder.

LEG. BINDER:

Thank you.

P.O. POSTAL:

And then Legislator Crecca? No?

LEG. CRECCA:

It doesn't matter. Do you want to go first?

P.O. POSTAL:

Legislator Foley.

LEG. CRECCA:

Well, the sixth "resolved" clause of the CN, and I'm just looking at the CN for the first time, says, "The provisions of this resolution may be waived only via duly enacted resolution of the County of Suffolk." So I would think, and I would ask Counsel for his interpretation that --

LEG. FOLEY:

So why the CN? It's the same as the current.

LEG. CRECCA:

That the waiver -- well, I think the CN, because he identifies the downtown areas.

P.O. POSTAL:

They are identified. We know --

MR. SABATINO:

No. Well, two different questions. One is --

LEG. CRECCA:

Yeah. First, about the sixth "resolved" clause.

MR. SABATINO:

Yeah. The sixth "resolved" clause provides for a waiver in the County Executive's bill. The waiver there, however, is predicated on the criteria that is set forth in the third "resolved" clause, which allows the Space Management Steering Committee to just make one of those six possible determinations to allow them to process the waiver application. So the difference between the two is that, in the alternative in the CN, Space Management Committee just has to make a determination on one of those six items, and then it goes to a vote for a waiver, whereas, in the other circumstance, it just goes directly to the Legislature for a waiver.

On the downtown designation issue, there is no -- there is no different designation in the second bill, it's identical to the bill that was vetoed.

LEG. VILORIA-FISHER:

Madam Chair.

LEG. CRECCA:

No. If I can just finished up.

LEG. VILORIA-FISHER:

I'm sorry.

LEG. CRECCA:

I'm sorry. That's okay. In other words, we identified the same locations in our bill?

MR. SABATINO:

Well, it's the same procedure, which is both of them make reference to -- both of them make reference to the Resolution of 998.

LEG. CRECCA:

So the significant difference between the two bills is that the Steering Committee -- in this bill, the Steering Committee will make a first determination as to whether it should waive out of a downtown area?

MR. SABATINO:

Right. The fundamental --

LEG. CRECCA:

And then we would have to approve that before that waiver would be effectual, correct?

MR. SABATINO:

Correct, right.

LEG. FOLEY:

And Not only that, but if they didn't make the waiver, then it would hamstring us from making the waiver; is that not correct?

LEG. CRECCA:

No, I didn't understand that, Brian. Say that again.

LEG. FOLEY:

I said --

LEG. CRECCA:

If we reject the waiver, then it goes back into the downtown area.

LEG. FOLEY:

No.

P.O. POSTAL:

Brian, if I could.

LEG. CRECCA:

I apologize.

P.O. POSTAL:

I'm sorry.

LEG. CRECCA:

I just want to understand the differences, that's all.

P.O. POSTAL:

I think that those of us who have been here for a long time have had many experiences with information that comes to us with regard to siting of County offices. I think that that recently happened with the Elsie Owens Health Center in Coram, and I think Legislators Fields and Foley can confirm if my recollection is accurate, where we're given information, and then that information turns out to have no relationship to the truth whatsoever. And it's only when Legislators have been aware of that and have gone out of their way to get the proper information that we do have the correct facts.

Now, maybe I'm being too skeptical, but I've seen that happen many times over the years, where we're not given correct information, and we make a decision based on that incorrect information we've been given. That's why I want us to be able to be the agency to make the determination that, in fact, there is no possibility of siting an office space in downtown. I think we are taking a very dangerous chance when we rely on somebody else in the County to give us that information.

I also would suggest that the Space Management Committee has not been, I guess, outstanding in its endeavors over the years, so --

LEG. GULDI:

Thank you very much.

P.O. POSTAL:

I would like to just come to a vote on this and --

LEG. BINDER:

No. Excuse me, Madam Chair.

MR. BARTON:

Legislator Postal.

LEG. VILORIA-FISHER:

Actually --

P.O. POSTAL:

Yes.

LEG. VILORIA-FISHER:

Actually, Madam Chair, wasn't I --

P.O. POSTAL:

Yeah.

LEG. VILORIA-FISHER:

-- on the list?

LEG. BINDER:

Actually, I think I was on the list first.

P.O. POSTAL:

No, you're not, actually.

LEG. BINDER:

No?

P.O. POSTAL:

But I will put you on. Legislator --

LEG. TOWLE:

Are we extending the meeting, because we're already the 12:30 break.

LEG. VILORIA-FISHER:

Actually, Madam Chair, my request was going to be that we put off the vote on both the override and the CN until after lunch, because, apparently, this is complex. There are many of us shaking our heads and saying we really aren't grasping the fine nuance differences between these two, and I think we should have a chance to read the CN and the veto message again before we vote on these.

MR. BARTON:

Legislator Postal.

P.O. POSTAL:

Well, you know, I think that's a good suggestion, so we will recess to 2:30. But, remember, we are taking our annual photograph.

MR. BARTON:

Legislator Postal, before you recess, I'm sorry, I'm sure, you all notice, but the second page of the County Executive's veto message was attached to the other veto message in error when we collated it. So if --

P.O. POSTAL:

We were all very cognizant of that. It really upset us.

MR. BARTON:

Thank you. Sorry to interrupt.

P.O. POSTAL:

Thank you for clarifying it. Okay. We're recessed until 2:30. Please remain, so that we can take our photograph.

[THE MEETING WAS RECESSED AT 12:34 P.M. AND RESUMED AT 2:30 P.M.]

P.O. POSTAL:

Okay. We're going to go to the public hearings. Mr. Clerk, are the affidavits of publication in proper order?

MR. BARTON:

Yes, they are, we have them here.

P.O. POSTAL:

Our first public hearing is regarding **Introductory Resolution Number 2105, which is a charter law to expand prior written notice of defective condition requirements.** I have no cards for this public hearing. Is there anyone --

LEG. BISHOP:

Motion to recess.

LEG. BINDER:

Second.

P.O. POSTAL:

Motion to close, was that?

LEG. BISHOP:

Recess.

LEG. BINDER:

Second, recess.

P.O. POSTAL:

Recess, Legislator Bishop, second by Legislator Binder. All in favor? Opposed?

Public Hearing regarding Introductory Resolution Number 2246, a local law establishing a site selection procedure for substance abuse houses. I have no cards for this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one --

LEG. GULDI:

Motion to close.

P.O. POSTAL:

Motion to close by Legislator Guldi, second by Legislator Towle. All in favor? Opposed? 2246 is closed.

LEG. TOWLE:

Thank you.

P.O. POSTAL:

Public Hearing regarding Introductory Resolution Number 1021, a Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions. Let's

see. I have no cards on this -- oh, on this hearing.

LEG. CARACCIOLO:

Motion to recess.

P.O. POSTAL:

Motion to recess.

LEG. BINDER:

Motion to close.

LEG. CARACCIOLO:

No.

LEG. BINDER:

Oh, wait, that's yours?

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. BINDER:

Oh, whatever you want.

P.O. POSTAL:

I'll second your motion to recess. All in favor? Opposed? 1021 is recessed.

Public Hearing regarding Introductory Resolution Number 1092, authorization of rates for Bay Shore Ferry. I have a card from Ned Hurley. You have five minutes, Mr. Hurley.

MR. HURLEY:

I just -- if anybody has any questions about my rates, I'm here to answer them, so --

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

Mr. -- is it Hurley?

MR. HURLEY:

Yes, yes.

LEG. CARACCILOLO:

Are you representing the company or are you a representative for the company? I mean, are you a counsel to the company or are you --

MR. HURLEY:

No, I own the company.

LEG. CARACCILOLO:

You're the owner, okay. Tell us a little bit about your service, your current rate schedule, and what the change would do.

MR. HURLEY:

The rates are the same as I charged for last year, just I added a new stop. When you add a new stop, you have to go through a process like it's a new rate.

LEG. CARACCILOLO:

Do you have a fare schedule with you, something that I can look at?

LEG. BISHOP:

It's filed with Budget Review.

LEG. CARACCILOLO:

Pardon me?

LEG. CARPENTER:

Budget Review is still working on the report. We haven't gotten the new report yet.

LEG. CARACCILOLO:

Oh, okay. Okay. All right. So it would be more appropriate when the report was concluded.

LEG. BISHOP:

I make a motion to close.

LEG. CARACCILOLO:

Motion to recess, Madam Chair.

MR. HURLEY:

Before you do that, it's very important that we pass this and move along, because I have given audited financials to the Suffolk County Legislature, the Budget Review. I've --

LEG. BISHOP:

Is Mr. --

LEG. CARACCILOLO:

How recently?

P.O. POSTAL:

Wait.

MR. HURLEY:

Like two weeks ago. I have given a tax return a month or so ago. I have given everything you could possibly imagine. If there's someone who's not, you know, getting it done, it's not my fault.

P.O. POSTAL:

Let's ask Jim Spero.

LEG. CARACCILOLO:

Well, what's the -- Madam Chair, if I might. Before I --

MR. HURLEY:

But my question, my question --

LEG. CARACCIOLO:

Before I respond with a question to you, I want to ask our Budget Review Office what the status of their review is.

MR. SPERO:

Yeah. It's in final edit right now. It's on Fred's desk awaiting his signature.

LEG. CARACCIOLO:

Okay. Mr. Hurley, what is the urgency to have these fares in place?

MR. HURLEY:

Well, it's very difficult to plan or to do anything without -- I mean, it holds up my license application. My license has already been closed, the whole public hearing. To stop me from just -- first of all, my rates, just so you have an idea, are less than everybody else's rates that are running on the Great South Bay right now, so I can't imagine why there would be an issue with the Budget Review that I would be, you know, having a rate that's less.

I see just the one that's actually Sayville Ferry here, they're charging 6.50 one way, \$12 round trip. I charge \$6 one way and \$11 round trip. These are quite a savings. So to hold me up for, personally, I don't believe any real good reason, because this report has been waiting on Mr. Pollert's desk for a few days to sign. It is finished.

P.O. POSTAL:

I think, Fred, did you have --

LEG. CARACCIOLO:

When did you become aware that your license was due to expire?

LEG. BISHOP:

Duffy, where is Duffy?

MR. HURLEY:

I have been --

LEG. CARACCILOLO:

When does the license expire?

MR. HURLEY:

The license for -- which license are we talking about?

LEG. CARACCILOLO:

I thought you said the public hearing for the license --

MR. HURLEY:

I have a license to run to one stop, it's still in existence. I have a license, other than applying for an expansion of in my service to a new stop. When you go to a new stop, they make you do a new rate application. Even though I ran on the same rates last year, I submitted the exact same rates for this year. It's just when you increase the number of stops, they consider it a new stop, a new rate structure. So the rates I proposed to operate under for this coming year are the exact same rates that I operate under for last year that this committee all -- not this committee, this Legislature approved last year, so you're, in a sense, approving something that you've already approved.

LEG. CARACCILOLO:

All right. Let me ask Mr. Spero from the Budget Review Office. Jim, could you just fill in the blanks here. What are we talking about in terms of this application and this fare increase?

MR. SPERO:

It's as Mr. Hurley explained it. The application this year is to add one stop, which I think is Ocean Bay Park.

MR. HURLEY:

That's correct.

MR. SPERO:

So he would go to two stops, Robbins Rest, which he currently has a license for now and I believe expires at the end of this year, and then Ocean Bay Park would be added, if it's approved by the Legislature. The rates, as he mentioned, are \$6 one way and \$11 round trip, which is

less than currently being charged by other operators on the bay, all other operators on the bay. And we recommended granting him his -- the license for the new stop at the rate he requested.

LEG. CARACCILO:

Where is the report?

MR. SPERO:

It's awaiting Fred's signature.

LEG. CARACCILO:

Okay. But the recommendation will be to approve it.

MR. SPERO:

Correct, approve.

LEG. CARACCILO:

Okay. Thank you.

MR. HURLEY:

Thank you.

MR. SABATINO:

Just to interject, statutorily, because the report's not completed, you have to recess the hearing to the next meeting. But it's not going to be a hardship, because it takes two-thirds vote to approve the rate schedule, and that's the same two-thirds vote it would take to discharge on the day that you close the hearing, so everything could be done on the 29th. But you have to under the statute recess this hearing, because a certain amount of time has to elapse between the hearing and the report.

LEG. CARACCILO:

Madam Chair, I did make that motion.

LEG. CARPENTER:

And I'll second it.

LEG. BISHOP:

May I get a clarification?

P.O. POSTAL:

Motion -- there's a motion by Legislator Caracciolo --

LEG. CARPENTER:

And a second.

P.O. POSTAL:

-- to recess, and a second by Legislator Carpenter. Legislator Bishop.

LEG. BISHOP:

If The report -- I spoke to Mr. Duffy and I asked what the -- I don't know what Mr. Spero just said, I was engaged in conversation, but

Mr. Duffy, who prepared the report, says that everything's fine, everything's in place. So if it's sitting on the desk waiting to be signed, I mean, can't we just --

MR. SABATINO:

Statutorily --

LEG. BISHOP:

-- get the signature?

MR. SABATINO:

Even if the report was issued two minutes from now, statutorily, this is the law that was written, the hearing has to take place after the filing of the report and it has to be at least 15 days. So, let's say that the report is signed --

LEG. BISHOP:

Okay. So that's what I'm trying to get at. Okay.

MR. SABATINO:

It's statutory. Nobody is trying to cause a hardship.

LEG. BISHOP:

So it doesn't matter if he signed it yesterday, today or tomorrow, we'd still have to recess it, because -- okay, that's fine.

MR. SABATINO:

Correct.

LEG. BISHOP:

I just want to make sure that we're not --

MR. SABATINO:

No, we're not.

LEG. BISHOP:

-- being dilatory for --

MR. SABATINO:

Absolutely not. In fact, we accelerated the process by filing the resolution in advance, so that it would get to this point.

LEG. BISHOP:

I understand. All right.

P.O. POSTAL:

Legislator --

LEG. BISHOP:

So Mr. Pollert's signature, and then it's 15 days from there.

MR. POLLERT:

I just got the report.

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I don't know if it's as simple as just waiting for Fred's signature, because that wasn't the information that I got this morning when I spoke to Fred about this.

MR. POLLERT:

I haven't read the report.

LEG. CARPENTER:

Thank you. So we certainly wouldn't want Fred signing something he hasn't read. I have a question for Mr. Hurley. The stop that you're planning to add in Ocean Bay -- in ocean Bay Park, do you have a lease for that?

MR. HURLEY:

I have a written agreement with Flynn's. You have seen the agreement that has been given to the -- permission has been given to me from Flynn's for the dock, and that has been given to the Budget Review Office, I believe. I believe Budget Review has it. You guys have it there. And just --

LEG. CARPENTER:

How long is the agreement for? How long do you have permission to --

MR. HURLEY:

The agreement is for eternity, until they cancel it. And that could be --

LEG. CARPENTER:

Budget Review, is that what the agreement reflects? I mean, I haven't seen it --

MR. SPERO:

I'm going to go check.

LEG. CARPENTER:

-- so I have to wait for the report.

MR. HURLEY:

The agreement you have is permission to dock there. That's what you have in your possession.

LEG. CARPENTER:

Can you tell me what the hours of operation are going to be for your ferry going to Ocean Bay Park?

MR. HURLEY:

Off the top of my head? I don't have the schedule.

LEG. CARPENTER:

What's the first boat you're going to run? I don't need a blow by blow of every boat, but what's the first boat that you're going to run over to Ocean Bay Park?

MR. HURLEY:

Nine a.m., maybe.

LEG. CARPENTER:

Okay.

MR. HURLEY:

This is off the cuff here, so I could be off by like, I don't know, a couple of hours. I can't imagine. Seven, maybe. I mean, I have limits on when I can run boats off my property at night and stuff. I can't come and land on my property after one a.m., so, I mean, there's time limits of when I cannot even run a ferry off my property in Bay Shore, so if --

LEG. CARPENTER:

Your property in Bay Shore, you said your property in Bay Shore, who's imposed those time limits on your property in Bay Shore? Is it your property, or are you leasing it from someone?

MR. HURLEY:

I own a couple of companies, so I own a marina and I own a ferry company. So specifically which company are you asking a question of here? The ferry? The ferry company leases for no rent right now property from Maple Avenue Marina.

LEG. CARPENTER:

Which is the Marina you own.

MR. HURLEY:

That is correct.

LEG. CARPENTER:

So you've imposed the limitations, since you own the marina where the ferry is docking, that the ferry can't land after one o'clock?

MR. HURLEY:

No, I have -- I have -- I have rules that the Town of Islip has said you can't run the ferries after one o'clock a.m. until like five or six in the morning. I can't remember the number. So my property won't do one a.m. to whatever -- whatever the -- whatever it is that that says, that's what I've agreed to. But that's what the ferry will agree to and that's what -- you know, that's the way it is.

LEG. CARPENTER:

So, This is something that the Town of Islip imposed upon you when they gave you the -- or approved the application to run a ferry out of the marina.

MR. HURLEY:

When they changed the zoning, which I might add that I have and other people don't have this restriction on them, so it's a burden against me, but not against other people who run ferries on the Great South Bay. I believe Sayville Ferry runs a two or three a.m. ferry, I believe the water taxi runs four a.m. boats. You know, I know that my next door neighbor runs boats that land after two -- after 1:30 in the morning regularly, so, you know, I'm actually at a disadvantage in the late night.

LEG. CARPENTER:

Okay. So, the point I'm trying to get to is, with the Ocean Bay Park stop, am I to assume, and I really don't want to assume, so I need to hear it from you, that there won't be a ferry leaving after 12:30. If the can't land that ferry over on your property after one in the morning, then it's safe to assume that you're not running any boats after midnight?

MR. HURLEY:

Over to Bay -- I don't think so, I don't believe. I really don't really believe so and I don't know. I mean, I have to look down and see how long --

LEG. CARPENTER:

Well, perhaps between now and the next time you come back to the Legislature, you can have that information, because I really would like to know that.

MR. HURLEY:

Why does this interest the Legislature, if I were just curious to know?

LEG. CARPENTER:

Because I represent a good portion of Fire Island.

MR. HURLEY:

Okay.

LEG. CARPENTER:

And people have some concerns about the hours of operation on the ferry boats that are coming and going.

LEG. CRECCA:

We're the regulatory body.

LEG. CARPENTER:

Also, we have -- yeah, thank you, Legislator Crecca, we are the regulatory body. So I don't think I have to defend to you why I'm asking the questions or why I'm interested. But I would suggest that you try to be a little more forthcoming with your information, because you're seeming to be, you know, not thrilled with having to answer questions. And I'm sorry for that, but that's what, you know, we're supposed to do as Legislators who represent constituencies. I have to know that I have a comfort level with seeing this service added.

P.O. POSTAL:

All right. So, am I correct in assuming there's a motion to recess this hearing?

LEG. CARPENTER:

That's right.

P.O. POSTAL:

Motion to recess by Legislator Carpenter, seconded by Legislator Bishop. All in favor?
Opposed? 1092 is recessed. Public hearing regarding --

LEG. BISHOP:

Madam Chair, I have just a question on process, because I suspect that Mr. Hurley is as confused as I am. We recess this hearing until the next meeting of the Legislature, which is when?

MR. SABATINO:

April 29th.

LEG. BISHOP:

At the April 29th meeting, if we close the hearing, is the resolution considered that day, or it has to go through the --

MR. SABATINO:

It can be considered that day, but, as I said before, there's no hardship, because, even if it wasn't the public hearing being closed that day, a rate resolution takes a two-thirds vote anyway. So, the same two-thirds that would be necessary to deal with it on the day you close a hearing is the same two-thirds that would be required anyway for the rate alterations. So you could discharge it after the hearing is closed, if it's closed on the 29th.

LEG. BISHOP:

I understand. Okay. Thank you very much.

P.O. POSTAL:

Okay. So that we have motion and a second to close the -- to recess the hearing. All in favor?
Opposed? Okay. 1092 is recessed.

Public Hearing regarding Introductory Resolution Number 1143, a local law to establish hospital reporting policy for indigent care in Suffolk County. The first speaker is Donna Kass.

MS. KASS:

Good afternoon. Thank you for yet another opportunity to speak to you. I would like to call to your attention a letter from the Health Program Administrator of the Bureau of Hospital and Primary Care Services at the New York State Department of Health, which I will submit when I'm finished. The letter is dated August 7th, 2001. In this letter to hospitals across New York State, the Administrator, Mr. Delton Courtney, rejects all annual community service plans that were submitted by hospitals and failed to distinguish bad debt from charity care. He orders the hospitals to resubmit corrected service plans by September 1, in essence, giving them just three weeks to comply. This tells us clearly that hospitals already collect specific data on their charity care expenditures as distinguished from bad debt, and those reports can be FOIEd by anyone that is interested.

I would also like to submit a Field Advisory from the Internal Revenue Service, which is dated March 12th, 2001, and this field advisory instructs agents to look for evidence of actual charity care delivery when justifying continuations of hospitals' tax exempt status. This is from the Field Advisory, which is quite lengthy. It says, "A hospital does not meet the standard for tax exempt status simply by virtue of having a free care policy. Instead, the hospital must show that it actually provided significant health care services to the indigent." The memo then goes on to list 14 specific questions that agents may ask when examining a hospital. And I chose to represent just two of those questions. "Does the hospital broadcast the terms and conditions of its charity care policy to the public?" And, "What in-patient/out-patient and diagnostic services does the hospital actually provide to poor and indigent people for free or for reduced fee services?"

So the only new information that 1143 requests has to do with help in identifying and locating the population seeking such help. If adopted, 1143 will institutionalize the process of informing people about free and reduced fee services, and it will eliminate the arbitrary behavior that our surveyors found, where some people are given information and others are not, where some staff members know about the availability of financial help and others do not. It will give a huge helping hand to County's needy population that is scattered among many communities across this county.

To his credit, Mr. Kevin Dahill, who is the Chief Officer of the Nassau/Suffolk Hospital Council, told a Channel 12 reporter this January, after a similar law was adopted in Nassau County, that

the Council would not oppose such a reporting requirement. And when County Executive Suozzi signed the bill into law in January, Mr. Dahill was present at the ceremony. I hope that the same thing happens in Suffolk County. Thank you for your attention.

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Maxine.

P.O. POSTAL:

Question from Legislator Foley.

LEG. FOLEY:

Thank you, Miss Kass, for your presentation. The letter from the State DOH, do you have extra copies or just the one copy?

MS. KASS:

I may have a second one.

LEG. FOLEY:

No, that's okay. That one copy, you can give it to Ann Marie to your right. She'll make 18 copies for us.

MS. KASS:

Okay.

LEG. FOLEY:

That's fine. Just -- that's fine. Thank you, Ann Marie.

MS. KASS:

And this is the IRS memo, but I also have a summary of the memo, if you would like me to submit that.

LEG. FOLEY:

Submit that to Mr. Barton and that will be distributed at a later date;

MS. KASS:

Okay.

LEG. FOLEY:

Okay?

MS. KASS:

Sure.

LEG. FOLEY:

And Just a follow-up question, Miss Kass, if you may, please.

MS. KASS:

I'm sorry.

LEG. FOLEY:

It's all right. You have to stand next to the microphone. Thank you. You mentioned this memo, dated August 7th of 2001, that the State is already requiring by administrative regulation that the hospitals' report have a separate report, if you will, for indigent care that's give, differentiate that from bad debt.

MS. KASS:

That is correct.

LEG. FOLEY:

Do we know from that time to this whether or not the hospitals have complied with that particular ruling by the State?

MS. KASS:

Yes. As far as we know, by and large, they are now complying. Prior to August, 2001, they were lax in those reports, but then they got their community benefit findings returned to them. And, as a matter of fact, Mr. Dahill has shared some of those new refiled reports with us. As a matter of fact, the State has since now issued a template, if you will, for a preferred way of filing

this information.

LEG. FOLEY:

Now, that particular template is similar to what's being required, requested and required by this legislation?

MS. KASS:

No, it's much more stringent.

LEG. FOLEY:

The State is much more stringent.

MS. KASS:

Right. All we're asking for --

LEG. FOLEY:

And they're complying with the more stringent --

MS. KASS:

Yeah.

LEG. FOLEY:

-- requirements.

MS. KASS:

Right. But the State does not ask for zip codes, it does not ask for specific numbers of people who applied. The State asks for a total dollar figure, whereas we're interested in knowing where these people are, so the County can --

LEG. FOLEY:

A closer breakdown, if you will. You also mentioned the fact, and I think it's important for the record to reflect, that the Nassau/Suffolk Hospitals Council did, in fact -- they did not oppose this very same bill in Nassau, and also had appeared at the bill-signing ceremony; is that not correct?

MS. KASS:

They opposed it initially, and then came on board to support it, and Mr. Dahill is on public record on T.V. saying that he would never oppose such a reporting requirement.

LEG. FOLEY:

Okay. Thank you.

MS. KASS:

Thank you very much.

P.O. POSTAL:

Legislator Binder, did you have a question?

LEG. BINDER:

Yeah. Excuse me.

P.O. POSTAL:

Just a minute.

LEG. BINDER:

So, when we get hospitals doing further reports, now, obviously, you said that New York State's already gotten the hospitals into line, they're doing the reporting now through a template, so they're -- so we have reporting. So, now we're saying that we want the zip codes. My understanding is we want now average length of and ER outpatient treatment, the number of persons assisting or applying for Medicaid or other insurance, I mean these are other -- there's a list of other things, not just zip code. What exactly are we going to do with all this information, or who's going to be following up on it? Because, obviously, this Legislature is not going to follow up on zip code information.

MS. KASS:

No. The Department of Health is going to compile this information into a report once a year, which it will present to the Legislature. And, basically --

LEG. BINDER:

And we're going to do what?

MS. KASS:

Well, that's up to you to decide what you will do with this information if hospitals are not doing their share. But, basically, I think that when such a report is compiled and released to the public, so that anybody can get the, the hospitals are going to want to share the burden more equally among themselves.

What happens now, Mr. Binder, some hospitals do an enormous amount of charity care work and some hospitals really don't. They, if I may be allowed to use this ugly term, they dump on other hospitals, and that's very unfair. They all collect monies from the State's bad debt and charity care pool, they all benefit from the tax exemptions.

LEG. BINDER:

Well, the pool doesn't really exist anymore, the bad debt and --

MS. KASS:

Oh, it certainly does. As a matter of fact, if you will ask Mr. Roland and Mr. Dahill, they will tell you that hospitals collect approximately 50 cents on the dollar from the bad debt and charity care pool money. And the {Hipro} legislation is coming up for renewal in May this year in Albany, but there is nobody, nobody who is suggesting that the pool is going to be eliminated or significantly changed.

LEG. BINDER:

I just -- my understanding is it's going to be significantly reduced, because of the fiscal --

MS. KASS:

{Hipro} doesn't just fund bad debt, it also funds EPIC, and it funds, you know, several other programs. And, yes, there is some discussion as to what is going to happen, particularly, to the best of my knowledge, with the -- with the EPIC. I think that they're going -- they're planning to raise the -- lower the income level for eligible seniors. But I have not heard any discussion about reducing the payments to the hospitals from the bad debt and charity care pool. So what we're trying to do is to get the hospitals to spread the burden more equally among themselves. I believe that Stony Brook does an outsize amount of charity care work. I believe that -- and I don't want to get into, you know, naming all of the hospitals. Some hospitals do incredibly little, and it has nothing to do with their financial status.

We did do a financial analysis of a handful of hospitals, not of all of them in our study, and we found that how well off they were financially, how large their endowment was had absolutely no relationship to how much charity care they gave and --

LEG. BINDER:

Well, the amount of charity care is already available through the --

MS. KASS:

Through the -- through the State.

LEG. BINDER:

Right. So I'm trying to understand why I would want to know the zip code, if -- I mean, you seem to mix something. You said that we're going to now have a report that's going to tell us who's doing it and who's not, but I can already get that information to see who's doing it and who's not, because they have to file a report with New York State.

MS. KASS:

If I may disagree. What you can get now is the amount of dollars, not the number of people that it served, nor who the people were. So, for example, if I live in a community and the nearest hospital to me will not tell me that there is any charity care available, what option do I have but to take a bus, or three buses in some cases, to get to a hospital that will accept me? We feel that with a law like that, all hospitals will at least to a minimum.

LEG. BINDER:

No. Let me -- because we're somewhat different than Nassau County, so I want to understand this. When we're talking about hospital care, we're normally talking emergency care, not -- I mean, if they're taking three buses and they're bleeding profusely, or they're needing in emergency care, then there's a problem there. Now, if they're not needing emergency care, they're needing normal out-patient, see a doctor, they probably shouldn't be using the hospital, because that's not the proper place, they shouldn't be in the emergency room, and we have a system of health centers around Suffolk County, which is different than Nassau County that has a County hospital. And so they have the opportunity to go to the Coram Health Center, to Tri-Community, to Huntington Dolan Center, they can go to Martin Luther King, they can go to places and see normal treatment, so I'm trying to -- because I know Nassau is not Suffolk --

MS. KASS:

Yes.

LEG. BINDER:

-- and, so what might be good for them might not be good for us

MS. KASS:

Okay. By the way, as I've mentioned before, the law basically is based on one that was adopted in San Francisco, so we now --

LEG. BINDER:

They're definitely not like us.

MS. KASS:

Definitely not like us, but, you know --

LEG. BINDER:

Thank God.

MS. KASS:

And there are variations, and there are variations. But there are two things here. First of all, if a patient is bleeding and does go to the emergency room, they will get taken care of, no question about it, but they will also get a bill. That's the problem. They're billed now and then their salary gets garnished, and then their car gets attached and they can't go to work. There is nothing in the federal law that says that patients must be treated in the case of an emergency that prohibits the hospitals from charging for their service. And so absent --

LEG. BINDER:

So what does this change?

MS. KASS:

Absent a charity care policy, absent the patient knowing that they can even ask for charity care or reduced fee service, the patient who is uninsured gets charged at the top of the scale. The

insured patient, through an HMO, pays the least amount of money, the uninsured patient gets the biggest bill. So that's number one.

LEG. BINDER:

Okay.

MS. KASS:

So, if there is a charity care policy posted, at least people will know when they're -- when they come into the emergency room --

LEG. BINDER:

Okay. But this is not a law to post --

MS. KASS:

Yes, it is.

LEG. BINDER:

No, no. But the law --

MS. KASS:

That's the first thing.

LEG. BINDER:

No. That could be a separate section of law. This is -- that's easy for a hospital to post -- we could pass a bill tomorrow that would say, "This is what you have to post and that's to say what you do." That's fine. This is a law that says to hospitals, "You need to provide plethora of new information which doesn't give -- it doesn't make them post, the information doesn't, the information doesn't make them do anything but make them give information and put a burden on them. My concern is we're putting a burden on the hospitals at a time when everything's being cut across the board. They're under incredible financial pressure and pain. So why -- my question is why, if we're different than Nassau County? We have places to go for non emergency care. If it's emergency care and all we want is information to go to people, we can force that to happen. Why are we forcing hospitals, in a time of fiscal constraint, when they're not -- they're barely surviving, why do we want them to do all this work and incur more cost?

MS. KASS:

Well, without getting into how much of a burden it is on hospitals, frankly, if they collect -- if they get an abdication from someone for charity care, they already have the zip code there, so it's just a question of tracking the zip codes. But without getting into that -- into that, as a Legislator, would you not like to know which are the communities in this County that are undeserved where --

LEG. BINDER:

There are a lot of things I would like to know, but I have to weigh cost and benefit. The cost -- if the cost is onerous to hospitals who are under incredible financial strain, my need to know and my amount of information is very low.

Now, the one thing you said during the whole time that makes sense to me is that people need information. I am a very big proponent of people being -- having access to information and knowing what's happening. So, when you say something should be posted, when they walk in, it should be in front of their face, I'm all with you, because they should know that they have the ability to access a certain thing. My question is, for information, do I want to burden hospitals at a bad fiscal time? And I have to tell you something, I have a real problem with going beyond and burdening because I want information to where people are coming from when I don't think it's going to change anything.

MS. KASS:

I don't -- have the hospitals actually demonstrated what kind of a burden it would represent on them dollar-wise, what it is that they already don't have in their computers? So, you see, I don't necessarily accept that this is a real burden on the hospitals. And I do think that it is critically important to know if a hospital in a community is not serving its population, and if that population then has to go and overburden another hospital.

LEG. BINDER:

And how am I going to change that, then?

MS. KASS:

And the only way you can find that out is by looking at the zip code patterns.

LEG. BINDER:

And if I know, what am I going to do?

LEG. FOLEY:

It's up to, Allan.

LEG. BINDER:

Well, do you think that this County Legislature has the ability to pass a law to make them take from their --

MS. KASS:

No.

LEG. BINDER:

No, we don't, right.

MS. KASS:

Absolutely not.

LEG. BINDER:

Right.

MS. KASS:

But I do think that exposure makes better behavior. I think that if you expose behavior to the light of day, by and large, you get better behavior, number one. Number two, you might, at an appropriate time, rethink the location of your County clinics, if there is a community that is so grossly under served.

LEG. BINDER:

Ask Legislators if they're going to move their County clinics? I think you're not going to get that. Okay. I --

LEG. BISHOP:

She makes a point, information is a policy tool.

LEG. BINDER:

Right. I think, from my view, the cost benefit here is wanting. And the one part I say I agree with is information, access to information to know that you have the ability to access the money that's fine, or the care, that I understand, but beyond that, I have a hard time with.

P.O. POSTAL:

Next speaker --

LEG. FOLEY:

Thank you.

P.O. POSTAL:

-- is doctor Rosemarie Guercia.

DR. GUERCIA:

Thank you for the opportunity to speak to you this afternoon. My name is Rosemarie Guercia and I'm a resident of Huntington, a physician and a former Nassau County Deputy Commissioner of Health. Since my retirement, I have been a Board Member, President and now Vice President of the Long Island Coalition for a National Health Plan, an all volunteer grass roots organization. Currently, I am a Co-Director, along with Donna Kass, of the Long Island Health Access Monitoring Project, an arm of the coalition, supported by Robert Wood Johnson Foundation, Kellogg Foundation, and Long Island Unitarian Universalist Foundation Funds for costs and outside consultant fees only. I'm here to speak in support of the Resolution 1143.

And let me just say, one of my responsibilities as Deputy Commissioner was the operation of the Nassau County clinics, and there's not an enormous difference, except perhaps the numbers, which is probably a product of the fact that Suffolk County is so much larger and people are distributed over a much larger area.

As you all know, it's modeled after the San Francisco ordinance, and their feeling at that time, and what was emulated by Nassau County, was that it was felt that there was a need to evaluate on an ongoing basis the amount of charity care in a community, given the responsibility to provide care to indigents by the local government. To plan for this continuing responsibility, information was needed on each hospital's policies, and that was the original thinking, was the

thinking in Nassau County and is what has been suggested here.

If we look at just a few of the catastrophes that have been reported in recent months, and this is only since the first of the year, we realize how vital it is for local government to have more data. One incident reported in the Wall Street Journal on March 13th involved an uninsured woman with throat cancer, treated at Yale New Haven Hospital in 1983, who owed the hospital more than \$18,000. She tried to negotiate a monthly payment, which she and her low-salaried husband could afford, without success. A lien was placed on their house, and later, the hospital took more than half their bank account. The patient died, but her husband continued to make small payments. At present her now seriously ill 77 year old husband, no longer able to work, after paying well over \$16,000 of the original bill, still owes \$39,000 due to legal fees, interest, etcetera. But to quote the gentlemen, they will never get the whole amount, I'm not going to live that long.

A different scenario, as reported in the New York Times on February 9th, involves a breast cancer patient, who was covered by her husband's insurance for her lumpectomy and subsequent mastectomy. Then her husband lost his \$102,000 job, along with his health insurance, like many of us, just a paycheck away from being uninsured. They paid for the insurance for six months until the premium went to \$832 a month. At that point, she had to stop her chemotherapy halfway through the treatment protocol. I don't have to tell you how that may impact the outcome.

One last and different problem reported in the Wall Street Journal on March 17th, a young woman was admitted to New York Methodist Hospital through the emergency room for an appendectomy. Several months earlier, she had lost her job and insurance and could not afford the premiums on her unemployment insurance income. She stayed in the hospital for two days and received a bill for \$14,000, plus doctors fees of \$5,000. She was refused Medicaid. Her unemployment insurance disqualified her. The hospital offered a 20% discount, the balance to be paid over one year at \$900 a month. I believe her unemployment insurance was something like \$1,100 a month. So much for the emergency rooms being the solution to the uninsured problem. Interestingly, this same hospital typically bills HMO's \$2,500 for the same treatment at a two-day stay. They receive about \$5,000 from Medicaid and \$7,800 for Medicare. It is standard operating procedure for hospitals to bill their uninsured patients their official charges, which is like a list price, which are at discount for everyone else. Those who can least afford it get the highest hospital bills.

These are not isolated instances. I don't think any of us want to see these types of cases reported in our own county, but I assure you they're happening. Aside from the advantages of having good data on charity care, this legislation's hotline should go a long way toward identifying problems as they occur, and allow for reasonable solutions. These are some of the reasons why we need this legislation. Thank you.

P.O. POSTAL:

Thank you, Dr. Guercia.

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Dr. Guercia. How many years were you the Deputy Commissioner of Health in Nassau?

DR. GUERCIA:

Ten.

LEG. FOLEY:

Ten years. During that period of time, you had much interaction with the community hospitals in Nassau, would you say?

DR. GUERCIA:

A reasonable amount, yes.

LEG. FOLEY:

Now, we've heard today and in the past that somehow this was going to be an unnecessary burden, an onerous burden on the hospitals to comply with the -- with the language of the bill. What's your estimation as a former administrator as to how onerous this would be for a health care institution to comply with it.

DR. GUERCIA:

Well, I would guess that about two-thirds of this data, at least, is already being collected and just has to be taken from one piece of paper and put on another. The rest of it may be new to them, but I certainly think that we need to know how many people are applying for charity care, how many people are getting it, how many people are being refused, and what happens to them.

LEG. FOLEY:

Now, that one-third of new information that's required, it's also -- through the Chair, it's also been alleged that this is going to be a crushing mandate on the hospitals, forced upon them by the County.

DR. GUERCIA:

This doesn't seem to have been the case in San Francisco, it doesn't seem to be the case in Nassau, I don't know why Suffolk should be so different.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Doctor. I'm over here. I'm here, Doctor.

DR. GUERCIA:

Oh, okay.

LEG. VILORIA-FISHER:

Hi. I just wanted to follow-up on that, because, as you know, I have asked this question before regarding the reporting system, and there have been hospitals who have said that during these difficult budgetary times, they are under tremendous budgetary burdens. And I have spoken to - - with the sponsor regarding this and I've asked you before. If Miss {Kans}, was that your -- {Kase}?

DR. GUERCIA:

Kass.

LEG. VILORIA-FISHER:

Kass, sorry, indicated that the State reporting requirements are actually more stringent than what we're asking, then why can't the State report simply be forwarded, just a copy of it be forwarded to us, rather than have the hospitals do more paperwork that might cost them money? I'm not --

DR. GUERCIA:

It's more stringent in many areas.

LEG. VILORIA-FISHER:

Okay.

DR. GUERCIA:

However, much of the information that we're looking for in terms of how many people have applied for charity care, which is something they have to know. If they have filled out a form identifying whether somebody is eligible for care or not, they've got that information. How many are accepted and receive treatment is, obviously, something that they have. Those are not items that the State asks for.

LEG. VILORIA-FISHER:

Okay. You've also given us the IRS memo on free care. Now, in order to qualify as tax exempt -
- is that the correct legal --

DR. GUERCIA:

Yes.

LEG. VILORIA-FISHER:

They're tax exempt, tax exempt status. The hospitals have to provide this information to the IRS. So we have the federal government looking at this, as well as the State government; is that so?

DR. GUERCIA:

We are supposed to have the federal government looking at it. This is a field memo for the auditors, and, unfortunately, that level of government, like every level of government, does not have the same kind of services out in the community as they once did. So, how frequently they get to each individual hospital is -- your guess is as good as mine.

LEG. VILORIA-FISHER:

So, there's not a standard reporting procedure on the federal level?

DR. GUERCIA:

No, there is not. This is something that is looked at when the auditors are out there determining whether this hospital still qualifies for the tax exempt status. And let me add that there have been hospitals around the country that have lost that status on the rare occasions that they are out there and get caught at this. Obviously, that's not anything that anybody would like to see happen to any hospital on Long Island, we need what we've got.

LEG. VILORIA-FISHER:

Thank you.

P.O. POSTAL:

Thank you. Our next speaker is T. John Carpenter.

MR. CARPENTER:

Good afternoon. My name is John Carpenter. I live in Jefferson's Ferry Life Care Community, South Setauket, Suffolk County. I'm on the Board of the Long Island Coalition for a National Health Plan. Thank you for allowing me to address you today. I'm here to ask you to pass the local law to establish hospital reporting policy for indigent care in Suffolk County.

As you know, two surveys conducted on Long Island, under the direction of Dr. Rosemarie Guercia and Ms. Donna Kass, established beyond any doubt the need for this law. As a result, Nassau County, with no dissenting votes, passed a similar measure into law last February. We're now asking Suffolk County to enact essentially the same law. However, it seems that, unlike Nassau County, there is some resistance here to the passage of this law, and I find it very difficult to understand why.

Our hospitals do a fine job. I can speak personally about Stony Brook Hospital, where I have had three major surgeries, and Brookhaven where I had one, and one hears similar reports about other hospitals. We're not here to criticize our hospitals from a medical point of view. They do an excellent job, and quite often difficult financial conditions.

Most Long Island hospitals are not-for-profit, and as such, receive substantial tax breaks in return for which they are supposed to provide the degree of charity care. This law is aimed at those few people in the hospital administration who make it difficult, if not impossible, for genuinely indigent people to receive the care that they desperately need. The recent survey shows that every Suffolk County hospital, people were turned away. In every survey, some people were told of charity care, and at the same hospital, some people were told there is no charity care.

We know from a recent statistic that 18,000 people died in one year -- in a one-year period because of a lack of preventive care. Is it a great leap to say that when an indigent person is turned away, though obviously not an emergency case, that he will turn up in a few weeks at an emergency room where he will receive expensive treatment and then may become one of the 18,000?

I want to give an example of the sort of the preventive care that uninsured people do not get. Both my wife and I have had bypass surgery as a result of annual physicals conducted by our family doctor. My case in 1995 resulted in a quadruple bypass in Stony Brook. My wife had her annual last November. It resulted in a medical exam conducted in Stony Brook on a Wednesday, and angiogram on Thursday, and a triple bypass on Friday. Today she is doing well. Is there any doubt that if she had turned up on Wednesday uninsured that she probably would not be alive today? On the Wednesday before her medical exam, she did not appear to be seriously ill, certainly not in need of emergency care.

Your failure to pass this bill will certainly result in someone in my wife's condition becoming one of the next 18,000. If you pass this bill, I am not -- I am sure that the 18,000 statistic will be reduced.

I've heard it suggested that the indigent people who turn up in our hospitals are illegal immigrants. I suggest that if the definition of an indigent person is one who is uninsured and is determined to have exhausted all reasonable means of payment so that there is no expectation of reimbursement, that there are many recently graduated college student who, having no

employment and a sizable college debt, fit that definition. With 42 million people uninsured in 2001 and 75 million people under the age of 65, nearly one in three of our uninsured for some part of 2001 and 2002, that is nearly a third of our population, one can dismiss the illegal immigrant theory.

I have heard it said that compliance with this law would impose an unreasonable hardship on hospitals. Does it compare to having to deal with the complexities of their many different HMO billing procedures?

P.O. POSTAL:

Mr. Carpenter, I'm sorry, your time is up.

MR. CARPENTER:

Okay. Last sentence.

P.O. POSTAL:

Okay.

MR. CARPENTER:

In a country where the best health care is available in the world, we're ranked 37th in the world by the World Health Organization. Pass this bill and we may go up a few positions. Thank you very much.

P.O. POSTAL:

A Question from Legislator Fisher.

LEG. VILORIA-FISHER:

Hi, John.

MR. CARPENTER:

Hi.

LEG. VILORIA-FISHER:

I just have a question, because I think I'm having trouble understanding a really clear

connection between this bill and the goals that you're setting, which are my goals as well, which is to provide care for the indigent, to be certain that we don't let people fall through the -- our safety nets. But I'm wondering, if this reporting is done, how are we going to be able to ensure that that doesn't happen? We do have this -- hospitals have to do a community service report for the State. How -- what kind of power will we have on the county level once we have this information? How would we be able to enforce this? Hospitals are under the jurisdiction of the State -- rather, State oversight, not County oversight, so I'm just having trouble seeing the connection.

MR. CARPENTER:

Well, from my point of view, I can't answer your question as to how you would enforce it. But my concern, my main concern is that when an uninsured person walks into a hospital and asks for help, that he should get it.

LEG. VILORIA-FISHER:

That's my concern, too, and I'm just not knowing how this reporting is going to make that happen.

MR. CARPENTER:

Well, I can't answer that question as to how the reporting will help it, but I do want to see the possibility that when anybody walks into any hospital, nearest one to you, and you're in trouble, that you will be served. As we understand it now, in our report we had five to six people going to each hospital. When I say, "Going to the hospital," sometime they picked up the phone and called, sometimes they walked in, sometimes they could speak English and sometimes they couldn't. In all of the Suffolk County hospitals, the report says three of the six, four of the six got information that they would get charity care, four of the six that they would. That means that two of the six did not get the offer for charity care and there were no signs up, there were no -- there was nothing to indicate, so the person just had to leave. So my main -- my main thing is to make sure that all of our hospitals offer free care when necessary, when people can't pay, because if they're turned away, as I said in my article in my wife's case, it was obviously -- we didn't know it was an emergency. We didn't know it was an emergency until the doctor did a -- what do you call it, an EKG, which he didn't like. We thought she was fine. But it turned out, when they did an angiogram, that the operation was necessary the next day. Now, if she had been uninsured, would she have gotten that?

I doubt it.

LEG. VILORIA-FISHER:

We totally understand what you're saying and understand the importance of that.

MR CARPENTER:

That's my --

LEG. VILORIA-FISHER:

I'm just trying to get to the how-to --

MR. CARPENTER:

Yeah.

LEG. VILORIA-FISHER:

-- to the connect. And could it be that our primary weapon here or mode of engagement is by embarrassing the hospitals? I think that's what Donna Kass had said earlier, that publicly put -- making these reports public would embarrass the hospitals into --

MR. CARPENTER:

Well, if that's -- if you want to put it that way, I suppose that could be an effect --

LEG. VILORIA-FISHER:

Oh exposure, not embarrassment, exposure.

MR. CARPENTER:

They wouldn't like the publicity.

LEG. VILORIA-FISHER:

Okay. My interpretation of it. I didn't mean to put words in your mouth, but that's the only tool that we have on this -- I'm just exploring how that connection is going to work --

MR. CARPENTER:

I personally think --

LEG. VILORIA-FISHER:

-- because our goal is the same.

MR. CARPENTER:

-- if you could make them produce something, put it up, so the public can see, the public can walk in and be aware that there is help, if they need it and have no alternative, and for whatever reason don't go to the clinics, I don't know why they wouldn't, but it's going to be that there is help, not that we can't do anything.

LEG. VILORIA-FISHER:

Thank you.

MR. CARPENTER:

Thank you very much. Thank you.

P.O. POSTAL:

Thank you, Mr. Carpenter. Our next speaker is Beverly Carpenter.

MRS. CARPENTER:

Hello. My name is Beverly Carpenter and I live in South Setauket in Suffolk. I represented the Gray Panthers before this body on March 18th, 2003 in Riverhead. I attended, but not -- but did not speak before your Health and Education Committee on March 26th, 2003. I am here at this meeting for the same purpose, to ask you to enact a law -- local law to establish a hospital reporting policy for indigent care in Suffolk County.

Once again, on behalf of the Gray Panthers of Suffolk County, I thank you for the privilege of speaking to you, actually, to plead with you for the passage of this bill.

The last time I spoke, I gave you facts and figures in the example of the student whose family was homeless without health care and absolutely no money for -- to pay for hospital care. What do they do if turned away from a hospital? Is that child, mother or father left to suffer and possibly die? Now, what about your children and grandchildren? No, it could never happen to one of them, not one of your family. They have jobs and health insurance. But think, with today's lack of job security, high unemployment rate and unsteady economy, what if, what if your child loses his job and eventually his health insurance. You have to pray he stays in good

health. Please, vote in favor of this bill. Make sure it gets passed. It may help to see that our children or grandchildren get hospital care when needed.

I have a granddaughter who is a single mother. She has just lost her job and is seeking employment. My husband and I are concerned for her and her great granddaughter. Since they live out of state, this bill will not help them, but you can ease the minds of families who live in this County by enacting this law. Thank you.

P.O. POSTAL:

Thank you.

LEG. VILORIA-FISHER:

Thank you.

P.O. POSTAL:

Our next speaker is The Reverend Thomas W. Goodhue.

REV. GOODHUE:

Hi. I'm Tom Goodhue, the Director of Long Island Council of Churches and I live in Amityville. Every day, Suffolk County officials send to our Riverhead office indigent people in need of food, clothing and help in prevention of becoming homeless. The two greatest problems that we face that we see over and over again every day is the lack of affordable housing in this county, and the lack of universal health coverage. We do the best that we can to help them, even though the County doesn't give us a dime to help the people whom we are sent to take care of.

If the County were to give us money, that that might happen some day we all pray, we would be -- we would be delighted to tell you who it is we're helping every year and who we're turning away because we can't help them. It seems to me to be a matter of simple justice that if the hospitals are receiving State funds to care for the uninsured, they have an obligation to report to the public some information that goes far beyond what they currently have to do now that says who they're helping and who they can't help.

I don't think that any of us believe that the hospitals are the bad guys in all of this. They didn't create the crisis that we are in as a nation in health care. The real underlying problem is that we have 42 or 43 million of our citizens who have no health coverage, and the real problem is

that we're the only industrialized nation in the world that doesn't see health care as a human right. But, in the meantime, until we get to that day in which all people have access to coverage, it seems to me that if you accept State money to care for the insured, there should be an obligation to report to the public, not just to report to bureaucrats in Albany, but to report to the public how it is that you're using those funds and who it is that you can't help with those funds.

If Albany is stiffing the hospitals for part of the bill, as we've heard that they're getting stiffed for about half of every bill, then I can tell you I would gladly use that information that they're forced to compile and divulge under this law to be an even stronger advocate that Albany pay their share of the cost of the uninsured. And I think that to ask that is not to impose a burden upon them, but, rather, to get them to see that they, too, need to fight for universal coverage for all. Thank you.

P.O. POSTAL:

Thank you. Our next speaker is Raquel Ramos.

MS. RAMOS:

Good afternoon. My name is Raquel Ramos, and I thank you for this opportunity to speak before you. I urge you to adopt Introductory Resolution 1143.

I'm an attorney at a not-for-profit agency in Suffolk County, and I am a Brentwood resident. In my practice, I provide free legal services for elderly, indigent and disabled individuals. Overwhelmingly, my office is contacted with respect to medical debt that is overwhelming our population, especially the population that may have mental challenges and are less able to cope with the pressures and stress of financial debt.

Typically, we will seek Medicaid coverage and we will advocate for that to provide retroactive coverage for a portion of the medical bill, if not all, and sometimes, thankfully, that is sufficient. However, in other instances, it's not. Oftentimes, the clients may elect to enter into what becomes unrealistic deferred payment agreements in which they are making a choice between keeping a roof over their head, paying for coverage, so that they can secure continued medical access, and it's just a difficult choice and it's the wrong choice to make for our populations. We - and the face of the indigent, disabled, and elderly, they're everywhere. They're our families, they're our friends, they're the people you least expect them to be. It's not people who choose

not to work, it's not people who are trying to be a burden on the system, but, rather, those individuals who have unfortunately fallen in circumstances which prevent them for any number of reasons for -- from securing medical coverage, and Charity care may be the only alternative available to them.

Now, there have been some questions regarding, well, why is this reporting necessary. And I agree, this Legislative body cannot answer the entire problem that faces this County, this state or this nation, however, we can make an attempt. And by requiring the hospitals to report, not simply on the aggregate amount of what charitable care they are providing, but to break it down into identifiable factors, to identify which population is being served. Are you applying this policy uniformly? Are you advising individuals about this policy uniformly? Without that, there is no guarantee, so we will have that circumstance where some people may call, and depending on their voice, depending on their surname, perhaps, they may or may not get that access to information, and without that access to information, it's been clearly demonstrated they may not get the access to care. So, I don't believe that it's an onerous burden to suggest that hospitals include information which would otherwise be available.

One of the things that this Legislative body can do is by requiring that information, working together to secure more additional funds. As we've all said, we're not suggesting that the hospitals are the bad guy here, we're trying to work together for a solution, and part of that solution is advocating for a change at the State level. Let's get this adopted here. Let this Long Island be a shining example of what can be done, what steps can be taken on a statewide level to provide this relief for everybody. I don't want to see anymore clients coming to me with debt that could have and should have been waived, eliminated, or otherwise taken care of, and not have to see the impact, the very real impact it has on them physically, how emotionally draining it is, when they already feel disenfranchised and do not have the ability to work within the system, which is why they oftentimes come to our services. And, you know, quite frankly, legal services are already overburdened. It's unusual to find an attorney that can devote the amount of attention and time needed to rectify this problem. I definitely encourage the reporting. I think we needed to have uniformity. We needed to have some type of monitoring.

The question was posed, "Well, what's our power here and what are we going to do afterwards?" It's simply -- and I agree, it's simply not enough to just get the measure passed, there has to be some follow-up, but I think we can work collaborative to determine what follow-up can be, rather than just suggesting, "Well, we can't do anything, so let's do nothing." That's

not a solution at all.

I think monitoring is important, and if that information is already being provided to the State, some additional information to identify who is being given the information, what's being done with the information, where are they being referred to. That's not onerous. Have that information available, so even the providers, other providers besides hospital providers can help identify those populations and reach out to them as well. And enforcement, enforcement provisions in Nassau County require, I believe, that the hospitals would lose their contracts with the states if there was not compliance. That means --

P.O. POSTAL:

Miss Ramos, I'm sorry, I have to stop you, you're time is up.

MS. RAMOS:

Okay.

P.O. POSTAL:

Thank you.

MS. RAMOS:

I would just like to then submit a statement, if I may.

P.O. POSTAL:

Yes, certainly. Is Ann Marie here? No? Okay.

LEG. FOLEY:

Thank you, Miss Ramos.

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you very much.

P.O. POSTAL:

Our next speaker is Victoria White.

LEG. FOLEY:

Madam Chair, has Victoria steps forward, we have in the audience two basketball teams from Suffolk Community College, and I would hope that at the closing of this particular public hearing, we could have a recess of the remainder of the public hearings for ten minutes. According to Counsel, we can recess. I'll make a motion to recess, so we can have the student athletes and their coaches honored for their great achievement this season. So once we get through with one or two more speakers, we'll go to the teams. Thank you.

P.O. POSTAL:

Okay. Go ahead, Miss White.

MS. WHITE:

Thank you. Good afternoon. My name is Victoria White. I'm representing the Coalition to Eliminate Health Disparities in Lindenhurst, New York. I would very much like you to pass this resolution.

Just this morning, one of my friends called and said, "Where can I take my son?" I said, "What's wrong with him?" She said, "He has some kind of growth underneath his arm and he just told me about it." I said, "Well, take him to the nearest hospital." She said, "Well, he doesn't have any insurance." And I suggested a hospital to go to, actually, because I knew someone there. But she was afraid that he only works for minimum wage, he has no health insurance, and he's 24 years old, and she was concerned about how he would pay for the bill and whether or not she would be able to help him.

These are the kind of people that we're talking about. We're talking about people who are working, people who don't earn a lot of money, people who work for employers that do not provide health insurance. We're talking about people that may be between jobs with no health insurance. And what we're asking is that when this bill is passed, that hospitals would post signage, would interview people when they're discussing payment of bills. If they're not eligible for any other services like Medicaid, or Medicare, or Family Health Plus, that they would be offered an alternative and that alternative is charity care. This would allow the person to make some kind of financial arrangement for payment or to have some of the payment discounted.

One of the things that the hospitals do, and I can't fault them for this, because Medicaid payments or reimbursements are very low, is they charge pay-for-service people the maximum that they can get for any service, and this is to offset some of the charity care that they have to provide. In doing so, when they offer a person charity care, they do not offer it at a discounted rate, at a rate that an insurance company or HMO would pay.

So this is just to let the public know, anybody that has a bill that is outstanding and who is not eligible for any other reimbursement services like Medicaid or Medicare, that they have an alternative method to make payment. It can be on a sliding fee scale, or the entire payment can be eliminated with the charity care.

We also consider this a tool for the hospitals. This tool will let the hospitals know, as Miss Ramos said. There would be some uniformity, it would let the hospitals know where needed services need to be put in place, it would let the County know where needed services need to be put in place. It would help with the allocation of funds. Funds are limited and it shouldn't go to places where the need is not the greatest, it should go to places where the need is greatest. This will help you identify where that need is and place those funds accordingly.

The other thing is that we do believe that it should be statewide, and I think you have the opportunity to make history and make this whole region the beginning of something that can go statewide, so that all hospitals will have to report what kind of care they're providing, where they're sending people, who they're treating in-house, who they're sending to other hospital.

And one of the things that had been happening in other counties is what we call dumping. Some hospitals will only take a certain percentage of people who don't have insurance, and those that don't have insurance will be sent elsewhere, to facilities that are supported more by the government, and we want to avoid that kind of practice.

So, again, I urge you to pass this resolution. It's important for any number of the residents in this County. Thank you so much.

P.O. POSTAL:

Thank you. I have no more cards for this hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing no one --

LEG. CRECCA:

The Gentleman in the back.

LEG. FOLEY:

Mr. Nolan.

P.O. POSTAL:

Oh, I -- oh.

LEG. FOLEY:

Mr. Nolan.

P.O. POSTAL:

Come on up, Mr. Nolan.

MR. NOLAN:

I have a little trouble walking, but I am supporting this resolution. And my name is Philip Nolan. And I just want you to know I support the resolution. Thank you.

P.O. POSTAL:

Okay. All right. Thank you. Thank you. Is there anyone else who would like to address the Legislature? Hearing no one, motion to --

LEG. FOLEY:

Motion to recess the public hearing.

P.O. POSTAL:

Recess.

LEG. FOLEY:

Motion to close this public hearing.

P.O. POSTAL:

Oh.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion to close the hearing, seconded by Legislator Fisher. All in favor? Opposed? Public hearing on 1143 is closed. And I recognize Legislator Foley.

LEG. FOLEY:

Madam Chair, according to Counsel, we have to recess the following public hearings --

LEG. VILORIA-FISHER:

Second.

LEG. FOLEY:

-- for ten minutes, so that we can give -- distribute these proclamations. So, motion to recess for ten minutes the following three public hearings.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILOLO:

Yes, if my colleague would suffer an interruption.

LEG. FOLEY:

Sure.

LEG. CARACCILOLO:

Brian, Could you make that 15 minutes, because I have one proclamation for the referee that officiated the State Championship games, and I'd like to honor him --

LEG. FOLEY:

Very good.

LEG. CARACCILOLO:

-- right after that.

LEG. FOLEY:

Okay.

P.O. POSTAL:

Okay. There's a motion to recess --

LEG. FOLEY:

For 15.

P.O. POSTAL:

-- for 15 minutes by Legislator Foley.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Second by Legislator Fisher. All in favor? Opposed. The meeting is recessed.

LEG. FOLEY:

Well, not -- the meeting's not recessed, because we do want --

P.O. POSTAL:

Excuse me, the hearing is recessed --

LEG. FOLEY:

Yes.

P.O. POSTAL:

-- for 15 minutes.

LEG. FOLEY:

Right. Thank you. If Joe Caracappa could also follow me to the podium, please.

Thank you, Madam Chair, and members of the Legislature. I've asked Legislator Caracappa to

join me for the two basketball teams from the Ammerman Campus.

An extraordinary achievement occurred this past basketball season. It's a rather unique achievement and its uniqueness makes it outstanding for what may be only the second time in the history of the National Junior College Athletic Association. We have the Men's and Women's Basketball Team from the same college becoming the National Champions. And the National Champions for the National Junior College Athletic Association, Suffolk Community College. Now, this singular achievement, as I say, is so outstanding that we believe that it was right and proper and very fitting and appropriate that we have the teams and their coaches and the administration present here today to accept our congratulations and our accolades. So if I could, please, ask the head coach of each of the teams to step forward, {Rich Race} from the men's team and Kevin Foley from the Women's Basketball Team.

(Applause)

Since we still believe in chivalry here in the Legislature, we'll start with the Lady Clippers first. So, Rich, Kevin.

MR. FOLEY:

I thought you would say save the best for last.

LEG. FOLEY:

Okay. Well, that's all right. Now, Kevin is not an unfamiliar face to many of us. He has over the years attended some other Legislative committee meetings for some of the championships that the College has achieved in the past, in particular, the Section 15 is the local region that the Community College, both the men's and the girl's -- women's team have won in the past. So this year, the Lady Clippers, as they're called, were Section 15 Champions, they were also the National Champions. Kevin Foley was also named the National Coach of the Year, as well as the Section 15 coach of the year. We're going to have him say a few words about this extraordinary season and about some of the extraordinary student athletes who have been on his team this particular year. Come forward, Kev.

(Applause)

MR. FOLEY:

Thank you, Legislator Foley. I want to thank everyone for inviting us here. I'd like to talk a little bit about our young ladies. Three of them are here, five of them are working, and this is an example of the type of young ladies that we have on the team. I think half the team worked at least 20 or 30 hours a week, going to school and playing basketball.

These young ladies over the past two years achieved a record of 48 and two. Last year, they were 23 and one, this year they were 25 and one. Last year, we came in fourth in the country, this year, we were fortunate enough to come in first, and this is an achievement. I said, if we were off of Long Island, particularly Upstate or in another state, or if we were a four-year school, we probably would have been on ESPN for the type of record that we had. Last year, we were able to lead the country in offense, we led the country in defense. This year, we led the country in defense.

The three young ladies that are here today are young ladies who -- one comes from East Islip, two come from East Patchogue. We have some young ladies from Shoreham, we have some young ladies from Rocky Point, we have some young ladies from Brentwood on the team, and it represents the County from one end to the other end, and I think it's truly a County team.

I'd like to introduce and bring up the three young ladies, if that's what we're going to do.

LEG. FOLEY:

Sure, absolutely.

MR. FOLEY:

But each of these young ladies come from high schools, as I mentioned, from East Islip and from Bellport, two very good programs, and this first young lady is a young lady from East Islip whose team won the Long Island Championship. She in her senior year was an outstanding player for East Islip. She came in last year, has been a two-year starter. This year she was named to the All Tournament Team in the Nationals. And I'd like Kaitlin Burke to please come up.

(Applause)

LEG. FOLEY:

Kaitlin, how are you doing? Congratulations.

LEG. CARACAPPA:

Congratulations.

MR. FOLEY:

The next young lady, or, actually, the two young ladies who follow, are young ladies, if you follow sports, or I'll use sports as an example, sometimes there's certain things that happen to two people, and these two young ladies have known each other since they've been five, and they've played at Bellport High School where they had a great record. They played for us and have had a great record. But, if you watch them on the court, you know that they intuitively know each other. And one is six-foot-three and the other one is five-foot-three, and on and off the court, you can tell that they have not only been friends, but they're, in the true sense of the word, like sisters. And they've been a pleasure, along with Katie, to have for two years. They've represented the College tremendously on and off the court.

The next young lady came to us, she was my coach on the floor, and this year she was able to be First Team All Region. She was also Second Team All American. She was First Team up at the National Tournament, and I'd like to introduce Rochelle Clark.

(Applause)

The next young lady came to us from Bellport, her name is Molly Brothers. Before she gets up, Molly was just named the Most Valuable Player in the country this year for women at a Division Three level. She was the Most Valuable Player in the region. Last year, she was the Most Valuable Player in the region. She's a young lady who last year led the country in scoring, this year led the second in the country in scoring. For those of you who are very familiar with sports, Molly is the type of player, when you play better competition, she just gets better. She holds the scoring record for the National Tournament, where she averaged over 30 points a game and over 20 rebounds a game, up in Corning, New York, where we were for the Nationals last year and this year. She was somebody who truly was the talk of the town and just did a marvelous job on the court and did a marvelous job off the court, and all these three young ladies. Molly, will you please come up?

(Applause)

Another young lady that I'd like to bring up here from Mr. Caracappa's Legislative District is my

Assistant Coach who has been with me. She was a player I think ten years ago, I don't want to say that, has been my Assistant for about eight years, and has truly become an outstanding Assistant Coach, and she's someone who has helped us tremendously and has helped the young women become better students and better people, which is what we're here for. So I'd like to introduce Kerry Swanson.

(Applause)

In closing, what I'd like to do is that I want to thank you. I know it's kind of distant, a lot of things that you do here on a regular basis. And I want to thank you for giving us the opportunity to participate in athletics, and to participate not only on a local level, but we've been fortunate enough to have the support within the College, which directly probably comes from all of you, to do the things that we need to do. And I can tell you, as a faculty member and as a coach, the College, not only on a local level, but on a national level, has been moved up in terms of how people view the College and how well they value the College and look at the College. I think not only -- I'll let Mr. Del Duca and Mr. Wrase talk about the men's side, but the college is truly -- its esteem and its, shall we say, image has been, and reputation has been enhanced tremendously. So, I want to thank you, and I thank you for giving us the time to come down here today.

LEG. FOLEY:

Very good

(Applause)

MR. FOLEY:

Legislator Foley, thank you.

LEG. FOLEY:

Okay, Coach. Kevin on behalf of the County Legislature, we'd like to give you this proclamation as a token of our appreciation and esteem. And we know that as good as the ball players are, they also need to have a great coach, which we all know you are. Congratulations.

(Applause)

We'll have Legislator Caracappa say a few words before we move on to the next part of the program.

LEG. CARACAPPA:

Seeing I'm the shortest guy up here, I'll -- short remarks. Just my congratulations, too, to all the athletes from the men and women's side of things and to the coaches. I know the seasons were tremendous and the victories, I'm sure were more than elating for both the men's and women's team. And being a resident of the Hamlet of Selden where the Ammerman Campus is located, it's an honor for me to know that these great young men and women are coming into my district and my neighborhood every day to not only educate themselves, but to make the Community College proud. So, with that being said, I congratulate you all.

(Applause)

LEG. FOLEY:

Before we move on to the Men's Basketball Team, we also have with us the Athletic Director at the Community College, Art Del Duca. Art, you want step forward, say a few words?

MR. DEL DUCA:

Yeah. I'd like to thank you very much for honoring both teams. I was just up at the NJCAA National Meetings for the first time, that we met out in Knoxville, Tennessee, and I got to meet a lot of the people across the country, and got a better perspective of the magnitude of the NJCAA, which has 24 regions across the country, and every state is represented, excluding California. And, for the first time being at the meetings, I was there with a lot of people that have been around for 20 to 25 years as representatives of their regions, and was shocked, to say the least, on the amount of people that came up really in awe of what these two coaches and two teams have done, and our overall program has done over the past three years. They were very congratulatory, and it gave me a better perspective of how far Suffolk County Community College Athletic Program at Selden has reached out, not only just in our area and our state, but across the country. So I'm very proud of that, and I'm very proud to be associated with such great people here that put a tremendous amount of time and represent the County in the highest form. So thank you very much for having us today.

(Applause)

LEG. FOLEY:

Thank you. Now, the next coach I've known for a number of years, Mr. Rich Wrase, and he's done an excellent job. He hails from Westhampton; is that correct?

MR. WRASE:

Rocky Point.

LEG. FOLEY:

Rocky Point. Okay, from the other side of the County in Rocky Point. And his team, also, were National Champions. He, in fact, was also the National Coach of the Year on the men's side. So, again, not only were both teams National Champions, which is unprecedented, but the two coaches as well were National Coaches of the Year. And it speaks to how this program is developing, and as Coach Foley mentioned earlier, how this athletic program is also helping to improve the reputation of the Community College.

Now, with that said, I'd ask Rich Wrase to step forward. Rich, would you like to introduce your ballplayers and tell us a little bit about the season?

MR. WRASE:

I want to thank you for having us. The young men went 32 and one this year. We play in a very tough region, and, usually, Sullivan Community College, which has dorms, usually wins our region. And our kids, we pretty much encompass every district that's up here. I'm from Rocky Point and I used to coach Westhampton High School, so I know some of the Legislators. And Ms. Nowick, I own 89 Main Street, so I paid my taxes faithfully for years. Okay.

LEG. NOWICK:

I was checking.

MR. WRASE:

Okay. Let me introduce my -- my first person I'd like to introduce is my Assistant Coach.

(Applause After Each Name was Called)

Originally from Deer Park and now he lives out in Miller Place, Pat Policastro. From East Hampton, Jesse Shapiro. From Bay Shore, Aaron Cummings. From Bridgehampton, Ronnie

White. Ronnie was also one of our Captains. From Mastic, Marcell Street. Marcell made All Tournament in the National Tournament up at Delhi, New York. Steve, who's originally from Virginia, but whose uncle is the Superintendent of Sachem, and that's how he came here, Steve Murrer. From Longwood, Vernon Alonzo. From Copiague, Russell Brereton. From Longwood, Amiel Thomas. From Copiague, William Washington. From Selden, but originally from Toronto, Ben Igwe. From Southampton, Darren Miller. The MVP of the National Tournament, Maurice Manning from Bridgehampton. And we just found out yesterday, our last player is from Center Moriches, he made First Team All American and is the National Player of the Year for the regular season, Tamien Trent}.

I just want to add one last thing. We started with thirteen players, and all thirteen are still eligible, and we have seven sophomores, and all of them are either going to graduate in May or in August. So I'm very proud of them in the classroom, as well as on the court.

(Applause)

Thank you very much for having us.

LEG. FOLEY:

Why don't we -- we're going to take a picture, Rich, in the front here, but before we do that, before we give you -- take some pictures, I'd like to give you this proclamation on behalf of the County Legislature for an exceptional season and the fine young athletes who, as you say, many will be returning next year. So, congratulations to you.

MR. WRASE:

Thank you.

(Applause)

P.O. POSTAL:

Legislator Caracciolo. The Chair recognizes Legislator Caracciolo for the purposes of a presentation. Can we -- Brian?

LEG. FOLEY:

Yes.

P.O. POSTAL:

Can we --

LEG. FOLEY:

Yes.

P.O. POSTAL:

Thank you.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Caracciolo. Can we have your attention, please?

LEG. CARACCILO:

Jonathan. Thank you, all. Well, that was quite an impressive sight, seeing the young men and women of our Community College standing before all of us this afternoon as National Champions in Basketball. And typically, in the middle of the court are several officials, one of whom we stand here today to recognize as someone who not only officiates the game of basketball, but serves his community and the residents of Suffolk County, and in particular, the residents of Bellport as a revered teacher in their elementary school.

Standing next to me this afternoon is Mr. James Huey. Mr. Huey is a constituent from the Hamlet of Manorville. He's here this afternoon with his lovely wife, who's a little bit bashful, so she's -- there she is. But we stand here because Mr. Huey was selected as one of the distinguished basketball officials in the entire State of New York. He's been officiating basketball for more than 20 years. He is a member of not only the Eastern Long Island Approved Basketball Officials Association, but the International Association of Approved Basketball Officials. And this year he was called upon from -- how many officials are there in the State, Jim?

MR. HUEY:

I wouldn't even venture a guess.

LEG. CARACCILO:

Quite a few, I'm sure we all can imagine, to officiate in two of the State High School Championship Games, one held on March 15th, just a few short weeks ago, which was the Class D Championship, and, unfortunately, neither one of the teams involved in that competition were from the Island. And then the very next day, he had the honor of being selected to officiate in the State Class A Championship Game.

So, on behalf of my colleagues and the 1.4 million residents of this great County of ours, we stand here to recognize all that you do for our community, both in the classroom and on the court. And as someone who has participated in an athletic contest, we value your expert and impartial officiating. Congratulations.

MR. HUEY:

Thank you very much. Thank you.

(Applause)

P.O. POSTAL:

We're going to return to the public hearings. The next public hearing is regarding **Introductory Resolution Number 1158, a Charter Law to reduce the number of County Legislative Districts to 11**. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Come on up. Was that young woman waving? No. She's just waving.

LEG. CARACCILO:

Motion to close.

LEG. TOWLE:

Second.

P.O. POSTAL:

Motion to close, second -- by Legislator Caracciolo, seconded by Legislator Towle. All in favor? Opposed?

LEG. GULDI:

Opposed.

P.O. POSTAL:

1158 is closed. **Public Hearing regarding Introductory Resolution Number 1160, a Charter Law to require action on annual County Operating Budget before Election Day.** I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter?

LEG. TOWLE:

Motion to close.

P.O. POSTAL:

Motion to close, Legislator Towle.

LEG. CARACAPPA:

Second.

P.O. POSTAL:

Seconded by Legislator Caracappa. All in favor? Opposed? 1160 is closed.

Public Hearing regarding **Introductory Resolution Number (1210) 1280, which is a local law to amend the Living Wage Law for transition to full implementation. And the first speaker is Carin A. Perez.**

That's public hearing on **Introductory Resolution Number 1210.**

MS. PEREZ:

Hi. Oh, this is on? Okay. My name is --

P.O. POSTAL:

I don't think that's on.

MS. PEREZ:

Is it? Hello. Sorry. Okay. Hi. I've never done this before, so if I do something wrong, forgive

me. Thank you for allowing me time to come and speak. My name is Carin Perez, I live in Kings Park, and I own and operate a child care learning center in Saint James.

I have concerns with this proposal, I'll call it, I don't know if that's the right word, but we provide services. Kiddie Academy has ten franchise child care centers throughout Suffolk County. We employ hundreds and hundreds of teachers and co-teachers, and we provide services for thousands of children and families. And I see this as, if it is enacted fully, it is a huge administrative burden, you know, as I've read it. I might even have to hire another person or designate someone to do all the administrative filings and record-keeping, and, you know, not only would the statute or the law cost me money, in essence, but this would be an additional burden hiring an employee or having someone do this, and it would take some of the focus away -- I mean, child care centers are extremely -- there's a lot of laws and regulations and departments that overview what we do already, and this would be just one more thing, an administrative nightmare, to be honest with you.

I also have some concern over access to my records. The records of children, we don't release any information to anybody about the kids that we service or their families, and this, a lot of information is required, and I have a concern with that, where is that information going to go, who would have access to it.

Also, centers, you know, I think there's something to do with centers that are contracted and take children with County subsidies and centers that don't, and I think this would segregate children in a way, and you would have centers that would not take those children and centers that would take the children, and instead of being tolerant and incorporating everybody, you're going to have children who are not allowed or not taken into certain centers, because then you -- they'd have to comply with this statute or law, and you'd be segregating, and children who got County funds would be in centers that, you know, only had those children from those types of families and backgrounds, and other children would go to different centers, and I see that as a bad thing, not being inclusive to everybody.

A lot of centers, if they're forced to comply with this and have different wage schedules, it would force them to close their doors, honestly. We couldn't afford to pay wages and scales then based on those particular salaries, and some of these centers would have to close their doors, creating more unemployment, teachers and staff out of work, and then families. Where would the families send their children. And those people might have to leave their here jobs, either

temporarily or permanently, and then that could create an employment -- unemployment burden in the County.

I think that the intent of the law might have been to, you know, serve the families and children in the Suffolk County area, but I think in the long run, the children you're aiming to help, it might end up actually hurting them. It might force businesses to re-evaluate their relationship with dealing with the County and taking children, you know, in these type of situations.

There are ten Kiddie Academies on Long Island and I represent all the owners of those centers. Some of them are here with me today, others couldn't make it due to having to man their centers and be there for the kids and the families. But these centers all feel the same way I do, that we hope that this rule or law is either repealed, or that there's some kind of a waiver for child care centers and child care providers. We've written many letters and reached out to the County Executive and Legislators, and some we feel are, you know, in agreement with our position and others, obviously, aren't. But we're going to actively follow this and keep communicating, and we hope that it is repealed or waived for child care centers. And I think that's it.

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Hi. Good afternoon.

MS. PEREZ:

Hi. Oh, hi.

LEG. BISHOP:

How many children are under County Program in the Kiddie Academy centers?

MS. PEREZ:

In my center particularly that I own, there are none, so it wouldn't affect me, but I'm here speaking on behalf of the other franchisees.

LEG. BISHOP:

So, on behalf of the other franchisees, how many are there?

MS. PEREZ:

Out of the ten centers -- well, how many children? There are hundreds of them. There are --

LEG. BISHOP:

On Title 20 only?

MS. PEREZ:

I don't know the --

LEG. BISHOP:

It would be helpful if you could get that for me, to get a --

MS. PEREZ:

Okay, I can do that.

LEG. BISHOP:

Great.

MS. PEREZ:

All I know is the other owners, we've had meetings on this, and that out of the ten centers, five of them have said that it would severely affect them, severely cause a hardship for them, and that they would consider just closing their centers.

LEG. BISHOP:

Okay, that's fine, but it would be helpful if they can --

MS. PEREZ:

Get you the numbers?

LEG. BISHOP:

-- quantify what the -- what the impact is. Also, can they provide how many employees they would have to raise salaries in order to comply?

MS. PEREZ:

Okay.

LEG. BISHOP:

And how many employees they currently provide benefits for. As I understand it, the national franchises do tend to provide a benefit package, right?

MS. PEREZ:

Oh, absolutely, yes.

LEG. BISHOP:

So, Is that benefit package more than a dollar and a quarter an hour, do you know? That's -- the law would read, and this is actually -- this proposal is to provide more flexibility for day-care, so -- as compared to the current state of the law. And so --

MS. PEREZ:

I don't understand how to provide more flexibility.

LEG. BISHOP:

Because you would be -- you wouldn't be required to pay a dollar and a quarter in health benefits alone, you could -- any nonmandated benefit would be counted towards the dollar and a quarter.

MS. PEREZ:

Right, I understand that, but right now, nobody mandates in a private industry, nobody mandates what we pay our employees and what we don't. We go by market trends and --

LEG. BISHOP:

That's fine. Then you don't have to have County children. It's only covering you if you have County -- if you're taking in --

MS. PEREZ:

Right. And I understand that. And, as I said, it would not affect me personally --

LEG. BISHOP:

Right.

MS. PEREZ:

-- but it would affect other centers, and you're going to put hundreds of people out of business and thousands of children out on the street without daycare.

LEG. BISHOP:

Maybe the government then should provide the service directly is the -- -- is the response. But the point is, if we want to get a full complete picture of what the impact of the law is, if you would provide that, because I am committed to working with for-profits and not-for-profits and to see if common ground can be -- can be reached. And towards that goal, we've already had a number of meetings with Legislator Fisher and representatives of day-care providers, but we will -- we're going to expand that circle to include for-profits, so I -- but to participate, I need the information.

MS. PEREZ:

Okay. Tell me again, because I wrote down numbers of the children --

LEG. BISHOP:

Basically, profile of the employees, not by names, but you're looking for the quantifiable --

MS. PEREZ:

Whether they're head teacher or co-teacher, that type of thing, their --

LEG. BISHOP:

Right. How many employees have to be brought up in order to comply with the law, and then a profile of the children served.

MS. PEREZ:

Okay.

LEG. BISHOP:

In these day centers, it's just a few children under Title 20, or is it the majority of the children in the center? In yours, it's zero, so, there's --

MS. PEREZ:

Right, in mine --

LEG. BISHOP:

You know, there's obviously wide variations.

MS. PEREZ:

Absolutely. Okay.

LEG. VILORIA-FISHER:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Fisher.

LEG. VILORIA-FISHER:

I was just wondering, Legislator Bishop, if you think it might be helpful, you've mentioned that there are five centers that have indicated that they would have to close.

MS. PEREZ:

Right,

LEG. VILORIA-FISHER:

And there are a variety of formula that we are also looking at, which is what the highest paid employee is, vis-a-vis or in proportion to the lowest paid employee. So I think in those centers that are in crisis, or see themselves in crisis, is the highest paid employee paid more than six times what the lowest paid employee is paid?

LEG. BISHOP:

There's an exemption under the law.

LEG. VILORIA-FISHER:

There's an exemption under the law for people who qualify under those guidelines. So the number of kids involved in having -- the Title 20 kids in the centers, what the -- how much

higher the living wage salary is than the salary that is currently being paid at the centers; okay? If most people are being paid eight-and-a-half dollars an hour, then -- you know, then you're looking how many are there that are below the living wage. Okay? Those are the numbers he's talking about.

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Okay. So could you provide that?

P.O. POSTAL:

Legislator Fisher.

LEG. VILORIA-FISHER:

Yes.

P.O. POSTAL:

Can I make a suggestion?

LEG. VILORIA-FISHER:

Yes.

P.O. POSTAL:

Maybe Stephanie could sit down with the speaker and just go through this.

LEG. VILORIA-FISHER:

Okay. Okay, sure.

MS. PEREZ:

That would be great.

LEG. VILORIA-FISHER:

Well, I just wanted to briefly Clarify a little bit of what Legislator Bishop had said, but I'd be happy to sit with you and speak with you.

MS. PEREZ:

That would be great. Thank you.

P.O. POSTAL:

Thank you. Our next speaker is Michael Plummer.

MR. PLUMMER:

Good afternoon. My name is Michael Plummer. I'm the Regional Franchise Operations Manager for Kiddie Academy International, Inc., and I've been in the child care industry for almost 15 years. As you probably know, Kiddie Academy operates almost ten child care facilities in Suffolk County, employs over 300 educational professionals, and provides child care services for over 1,200 families. Kiddie Academy and its franchisees, many, again, who are here today oppose the living wage law in its current form. We believe the law is unnecessary and would drastically damage not only the child care industry in Suffolk County, but also the styles -- lifestyles of many of the County residents. Our goal is to provide quality affordable child care. That's child care for everyone, not just the "haves", they're for everyone. The living wage law, in its current version, may prevent us from continuing our goal to do just that.

The downsides of the living wage law, besides the wage requirements and the substantial record-keeping that goes along with it, will represent an overwhelming economic hardship for many of the franchisee, many of the owners, and many -- in our company and many of the other companies in the area.

After living wage law becomes law, one of the following could occur: Child care rates would increase tremendously. If those who are not familiar with child care rates, the average cost for an infant is almost 900 to \$1,000 a month. It's a lot of money. Many centers will be forced to close. The County would then -- would have to try to support those families to get child care. So we would have to go back to the taxpayers and ask them for money to help out.

If you decide to make this and put this law forward, what we would ask is some type of process to look at centers on an individual basis regarding economic hardship for that center, not just for the nonprofit centers, but for-profit centers as well.

In closing, if it comes down to closing businesses in the County or approving this legislation, I

hope that you would do what's beneficial to, I think someone said, 1.4 million residents or constituents in the County. I would hope you would do that. Thank you.

P.O. POSTAL:

Okay. Thank you. There's a question from Legislator Haley, and then Legislator Bishop.

LEG. HALEY:

When you talk about economic impact on business, my concern is the economic impact on the family that needs that -- those services. What I'm concerned with, could you give me an idea of what the type of income you have? To give you an example, I remember when I had difficulty affording child care. Is child care something that's afforded by, you know, middle class, upper middle class. Is it -- can you give me an idea, or maybe you don't know, what the income might be of those families that are providing child care? Are they on the edge with this -- with this -- in a practical way, if you raise your rates, do you think that they'll stop coming do you; is that what you're talking about when you mention economic impact on your business?

MR. PLUMMER:

If --

LEG. HALEY:

I'm trying to tie it -- my point, I'm trying to tie it to --

MR. PLUMMER:

I understand.

LEG. HALEY:

-- how it affects parents.

MR. PLUMMER:

No, I understand. If the centers have to raise their rates because of this law, a lot of families would then -- might not be able to afford the rates that are now being charged. If it's \$1,000 dollars now, it possibly could be \$1,500 in the future and --

LEG. HALEY:

You think that's when they start going to the people in the neighborhoods and they find a

grandma, you know --

MR. PLUMMER:

Correct.

LEG. HALEY:

-- a couple -- a couple of blocks over?

MR. PLUMMER:

Unlicensed child care.

LEG. HALEY:

Unlicensed type of thing?

MR. PLUMMER:

Unlicensed child care. Actually, in 1998 there was a study done by National Association of Educational for Young Children and the deaths in the country for were so profound in those haphazard child care facilities, it was enormous, because people couldn't afford traditional child care methods like Kiddie Academy or the other vendors that are out there. If we have to raise our rates, which we will, then that possibly could happen. And if that happens, then this whole process, where do we -- what does it come to? It comes to the people are now without child care, there's people who are unemployed who used to work at child care centers, and then there's business owners who put their life savings, all their financial resources into this that are now out there looking for work as well. So it's a drastic effect on everyone, but mainly, it's a drastic effect on children, because that's what this industry is about, it's about children. Our goal is to help families help children.

LEG. HALEY:

Thank you.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. POSTAL:

Legislator Bishop?

MR. PLUMMER:

One other thing. I did hear the question about getting the information and I will go back to our organization and I will provide that information to you. And I think -- I apologize for not having that with me; it's a good question.

P.O. POSTAL:

Thank you. Legislator Bishop.

LEG. BISHOP:

I'm interested in learning more about the relationship between the corporate headquarters and the franchises. In the Kiddie Academy setup, it's like a McDonald's so to speak, the --

MR. PLUMMER:

We don't have Big Macs.

LEG. BISHOP:

The franchisee owns the center?

MR. PLUMMER:

The franchisee owns the center, they own the rights to operate the center, we own the name of the center. The franchisees operate under our guidelines, we have a specific curriculum that we provide, we provide educational support or professional support like someone like myself to come out to help them follow the guidelines of the State, the County and things like that.

LEG. BISHOP:

and none of the centers are directly operated by Kiddie Academy then.

MR. PLUMMER:

Not along --

LEG. BISHOP:

Because Tutor Time has some centers that they directly operate.

MR. PLUMMER:

Not in this area, we do in other areas, in specific centers.

LEG. BISHOP:

In this area I'm talking.

MR. PLUMMER:

Yes, there's 15 of them.

LEG. BISHOP:

And how does the payment arrangement, in other words, they just pay a set fee based in the beginning of their -- and when they establish the franchise?

MR. PLUMMER:

Well, obviously, there's -- it costs money to buy the franchise, okay.

LEG. BISHOP:

Right.

MR. PLUMMER:

And then for the life of the franchise the franchiser has to pay the franchisee, vica versa --

LEG. BISHOP:

Yeah, right.

MR. PLUMMER:

-- a royalty base.

LEG. BISHOP:

That's what I'm getting at. So the royalty base is based on what, total income?

MR. PLUMMER:

It depends on each franchise.

LEG. BISHOP:

My concern is if the County taxpayer were to help The Kiddie Academy franchisee bring up their salaries to the living wage, would a portion of that necessarily get kicked back to corporate headquarters because their income would be going up?

MR. PLUMMER:

That -- no, I don't see how that would be because -- just because they would help them with the salaries they -- if they are a quality center they will still get the enrollment that they would always get, it doesn't matter. Some of the centers are operating with very hard working people right now who are making good salaries and they're still going to get the enrollment.

LEG. BISHOP:

Royalties are based on what; that's what I guess I'm asking.

MR. PLUMMER:

Tuition income.

LEG. BISHOP:

Tuition income, all right. And so the key would be not to have this money, if it were provided, counted as tuition income.

MR. PLUMMER:

Yes.

LEG. BISHOP:

Right, okay. Thank you.

P.O. POSTAL:

Thank you.

MR. PLUMMER:

Thank you. I appreciate it.

P.O. POSTAL:

I have no more -- oh, we have another speaker on this public hearing. Please come up and identify yourself.

MR. PEREZ:

Hi. I'm Lou Perez, I'm one of the other owners as well. I just wanted to speak for two minutes to clarify two particular items that I heard discussed earlier. When it was asked before about Title 25 type of children, when I read through the original draft --

LEG. BISHOP:

It's 20.

MR. PEREZ:

Title 20, I'm sorry, I got my number wrong. Title 20 type of children, when I read through the original legislation that was proposed there wasn't a clarity given on whether or not this would apply to only centers that are title 20 centers or centers that reach the cap of dollars indicated in the legislation of County funding. And that's an important distinction because in the original legislation there is a cap at \$50,000 that would say if you receive \$50,000 as a center, any center, you automatically become guided by this legislation. Well, let me tell you \$50,000 when it comes to day-care, it could be five children. Five children in any center -- most of the centers that are out there, The Kiddie Academies, many of our competitors, many of the people that are out there providing services are operating centers somewhere in the neighborhood of 150 to 200 children capacity depending on the physical size that's opened. When you talk about having five children crossing you into the boundary of having to meet the living wage law, that seems very small.

Now, either there could be a distinction possibly that it is only for centers that apply for certification or the Title 20 type of children and there's centers that are, what is the word I'm looking for, State certified centers, other centers don't go for the State certification, they simply go for the reimbursement according to the 10, 11, 12, 15 children they may serve and the reimbursement they receive. So now what will happen is you could have a center who has eight children suddenly get their entire labor pool kicked under the living wage criteria which could take what was discussed before about low and high, if we just think about a low and high for a moment without stating them per se, you could take your entire low and high end salaries and raise the entire bar of everybody working in your center that touches those children from cook to bus driver to teacher to co-teacher to college kid working in there and raise the entire bar --

LEG. BISHOP:

You would like that.

MR. PEREZ:

-- because of six children. Now, in other cases there could be centers that have 50% of their population and maybe those have more funding come in through the State to afford this, but there's no distinction between the two. That was one of the things that I wanted to bring up and also bring up the fact that I think if this legislation is going to be put through with some amendment, there might want to be either a look at the \$50,000 cap and think about it more in a realistic terms of what that cap should be for service industry. In our industry 60%, 50 to 60% of our industry is payroll, it's a service business. You put something into effect that effects our biggest expense, that's why you hear the words like closing, can't operate, can't afford anymore.

So that's one of the things I wanted to clarify and bring up in that and that hopefully you can consider that as a possibility because when you look at the two factors together it has a tremendous impact on what the centers can or cannot do in the future.

LEG. CARACCILO:

Madam Chair, question.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Typically what type of profit margins do these businesses operate under?

MR. PEREZ:

It's a good question. Many of the centers -- it all depends if you ask me current economic times or when things are blooming -- you could have centers that are operating anywhere from as little as 5% to as much as maybe 15%. They're not huge margins because they're funded 100%, as mentioned before, on tuition, we get no subsidies from the State, government, Federal, so we have to make it work with tuition only.

LEG. CARACCILO:

And typically -- are you the owner/operator of such a facility?

MR. PEREZ:

Yes.

LEG. CARACCIOLO:

And where is it located?

MR. PEREZ:

One in St. James, one in Setauket.

LEG. CARACCIOLO:

And typically what are the fees you charge?

MR. PEREZ:

Well, they vary by age and type of group, but you could have anything from as little as a two-day, half-day part-time child getting 70, 350, 300 a month to as much as a thousand. So you could have anybody -- if we talk monthly, for example, you could have anybody paying anywhere as little as 300 a month for their child care to come in a couple of days part-time to as much as a thousand dollars a month for an infant full-time. It depends on age group because there's ratios for every age group, so you have to put more staff into the younger age group, less staff into the higher age group so the tuition goes down the older they get; it varies by age group.

LEG. CARACCIOLO:

And where are the break-even points for a business like yours? In other words, if they average 150, 200 children per center, you have to have a minimum of how many, 100, 125?

MR. PEREZ:

Again, it depends on the maximum capacity of a particular center. If you're talking 150, maybe it's 80 or 90 kids, something in that neighborhood. And that very much depends on the economics of the current time, costs which are going up for all the things that we do, be it food, services, everything is going up, labor is going up, cost of insurance is going up, medical was brought up before. I don't know exactly what it comes out to, some employers might end up at 50 cents per employee, some might end up with \$2 per employee per hour equivalent which was asked before, it all depends on the medical package, the area you're in; those are all factors that

play into it.

LEG. CARACCILO:

When one considers profit margins, you have to factor in the salaries that the owner/operators take out of that.

MR. PEREZ:

Uh-huh.

LEG. CARACCILO:

And I'm sure -- and this in no way is to imply that people are greedy, but what we have found in other experiences, particularly with not-for-profit corporations, is that with contract agencies for the County there is really a situation of having have-nots where many of the employees are highly qualified, underpaid and many of the owner -- operator/owners are very heavily compensated and there has to be some fairness and some balance.

MR. PEREZ:

Agreed, agreed. That's one of the reasons why I said it has to take into account a case by case or a center by center basis. I can tell you that during tough economic times you start to see a center that might be raided when it's a hundred percent full at say 60% of its income is payroll and maybe 20% is rent and then you start adding everything else on, that's when you get to the percentages that I said before. If that center suddenly starts to have a slightly depressed economy as we're going now, now you're dealing with a center that's 80% capacity, 75% capacity; now the payroll, the rent and everything start to become 95%.

LEG. CARACCILO:

I understand ratio.

MR. PEREZ:

So it changes so that now if you get a fixed wage that goes much higher as an average it hurts, now you can end up with 75% salary, and any business that starts having 75% salary, you can hardly pay any other bills. That's why the talk is that some centers, depending on their mix of Suffolk County type money coming in, would have no choice but to close.

LEG. CARACCILO:

The two centers you own and operate are in fairly, I would say, stable or really affluent communities.

MR. PEREZ:

Yes.

LEG. CARACCILO:

And what's your experience been with regard to how the local economy is or is not effecting your business?

MR. PEREZ:

Because of the affluence of the area, actually what we found in one of our areas is we have a lot of business owners who are out of business, business owners that were affected by 9/11 and their business has been reduced. So actually we have seen a larger number than normal over the past two years of children being pulled out for reasons of no job, lost job, changed jobs, have to take lesser money from my job, so there is -- we're feeling an impact for the economy right now, like with any other business. That's okay and you build a business based on being able to handle those times and handle the times that are high and low. But this would change the balance of everything in a major way because it would factor in an expense that was never factored in when the models were built by a lot of these day care centers.

LEG. CARACCILO:

And last question, what are your current enrollments in terms of, you know, optimal profit margins for your business?

MR. PEREZ:

Profit margins or --

UNKNOWN AUDIENCE MEMBER:

Number of chains based on capacity.

MR. PEREZ:

Oh, okay. One center is approximately licensed at 175 and has about 140, another one is licensed at 190 and has about 120.

LEG. CARACCILO:

Okay. Thank you very much.

P.O. POSTAL:

Thank you. I will take a motion from Legislator Bishop to --

LEG. BISHOP:

Recess because I think this bill will have significant changes.

P.O. POSTAL:

Recess, seconded by Legislator Fisher. All in favor? Opposed?

1210 is recessed.

LEG. CRECCA:

Madam Chair?

P.O. POSTAL:

Yes.

LEG. CRECCA:

I'd like to be recognized for a motion.

P.O. POSTAL:

Certainly, Legislator Crecca. Can you just let me set the date of the coming public hearings?

LEG. CRECCA:

Actually, that's what my motion is regarding.

P.O. POSTAL:

Well, you may not have to. Why don't you --

LEG. CRECCA:

Excellent.

P.O. POSTAL:

I'll take a -- I have a motion from Legislator Nowick, seconded by Legislator Lindsay ***to set the***

date of April 29th, 2003 at 5:30 P.M. in the William H. Rogers Legislature Building, Hauppauge, New York, for the public hearings regarding Introductory Resolution -- excuse me, regarding the 2004 - 2006 Capital Budget and Program; Introductory Resolution No. 1207, Introductory Resolution No. 1217, Introductory Resolution No. 1225, No. 1226, 1234, 1235, 1236, 1242, 1250 and 1296.

LEG. HALEY:

Second.

P.O. POSTAL:

Okay, second. All in favor? Opposed? ***Those public hearings are set.***

Now I'll take a motion from Legislator Crecca, seconded by Legislator Binder to set the date of Monday, May 21st at 11 A.M. --

LEG. CRECCA:

April 21st.

P.O. POSTAL:

Excuse me, April 21st, gee, 21st at 11 A.M.

LEG. BINDER:

Madam Chair?

P.O. POSTAL:

No, April 21st. You don't want to --

LEG. BINDER:

I'm just -- could I ask that it be earlier? Just the earlier the better because it's --

LEG. BISHOP:

What are we doing, changing the dates of the meeting?

LEG. CRECCA:

Hes' got --

LEG. BINDER:

A holiday.

P.O. POSTAL:

Okay. All right, I'll make it 9 A.M., how's that?

LEG. BINDER:

Great.

LEG. CARACCIOLO:

9:30.

LEG. CRECCA:

Nine thirty, Madam Chairman, so the Clerk can get the microphones turned on.

P.O. POSTAL:

Nine thirty for ***Public Hearings Regarding Introductory Resolution No. 1247, 1248 and 1249.***

LEG. FOLEY:

On the motion.

P.O. POSTAL:

Yes.

LEG. FOLEY:

Could we -- the person who is making the motion, can he explain or she explain why there is this change of a week? I mean, we've all -- public hearings have always been -- proposed Local Laws have always been on the date that was set on the agenda, why are we moving it a week earlier?

LEG. CRECCA:

There are a number of reasons. First of all, as you are well aware and I think is clearly public record, the County has been sued for failing to take action on reapportionment. We have

recently been I'll call it editorialized by Newsday for our failure to proceed forthwith. So one of the things we want to do is expedite the process to the extent that we can to keep the reapportionment process that has been begun I'll call it moving; that's number one.

LEG. FOLEY:

Well, just on that point, if I may; let's just take it point by point.

LEG. CRECCA:

Sure, if that's all right with Madam Chairman.

LEG. FOLEY:

How does that -- through the Chair, how does that move the process along any quicker if it's on the 21st as opposed to the 29th? What could then happen on the 29th that couldn't happen otherwise?

LEG. CRECCA:

If the public hearing has closed on the 21st --

LEG. FOLEY:

Right.

LEG. CRECCA:

-- it would be eligible for a vote on the 29th.

LEG. FOLEY:

Okay. Well, I would imagine that everyone is looking not just to have a simple majority but to have a veto proof majority of 12. So the fact of the matter is it could be closed on the 29th and then if we wanted to vote on it on the 29th we could do that with 12 votes.

LEG. CRECCA:

For that we'd have to waive the rules.

LEG. FOLEY:

That's correct.

LEG. CRECCA:

And in order to waive -- my understanding is -- and of course you have a longer history here than I do, Brian.

LEG. FOLEY:

Right.

LEG. CRECCA:

But that's generally we try not to vote on -- that's one of the reasons that rule is there, vote on --

LEG. FOLEY:

Normally we don't, but we do it on those occasions where there is an urgency and a great importance attached to the legislation, as you have so articulated with this bill, given the urgency and the importance of it.

LEG. CRECCA:

The other reasons are as follows, and I think that they're probably as important if not more important than the previous reason I stated, is we are at a night meeting on the 29th in Riverhead. The other reason is is that --

MR. SABATINO:

Not Riverhead, here.

LEG. CRECCA:

I'm sorry, here, I apologize. But I expect that we will -- there will be a lot more testimony on reapportionment than there are normally at our public hearings. I have spoken to --

LEG. FOLEY:

Well, then through our Chair, why don't we --

LEG. CRECCA:

May I finish, Brian? Please?

LEG. FOLEY:

Go ahead.

LEG. CRECCA:

It is anticipated that we will have a lot more speakers come and I think it's only fair that we give a full opportunity to hear everybody. You know, the rules limit us to three hours on the public hearing and it is very possible that we will exceed three hours.

LEG. FOLEY:

We can always waive the rules. My point there would be, if it's a night meeting -- through the Chair, Madam Chair -- if it's a night meeting, then call it for noontime on the 29th and then we go three hours we can then waive that rule.

See, one of my concerns is this. Is that at the beginning of the year when we put together, you know, at the Organizational Meeting, the meetings and the committee meetings and whatnot, all of us collectively had made a decision to keep the week of the 21st open.

LEG. CRECCA:

Do I need to keep arguing this?

LEG. FOLEY:

Madam Chair, if I may? We wanted to keep the week of the 21st open, in fact the week of the 21st is usually -- would have been the week for committee meetings, but we stayed away from that as the committee week because that's the week that many of our children are off from school and that there are a number of people -- number of colleagues of ours who either have -- who were going to make arrangements with their families for that particular week, but we had studiously avoided any kind of Legislative work that particular week which would have otherwise been the committee week because it's the week following Holy week, as we recall, it's a week following both I believe Passover, I know it's right after Easter.

LEG. CRECCA:

It's during Passover.

LEG. FOLEY:

During Passover. So this is a week that from the very beginning of the year we had made sure collectively to keep that as what I would call as an open week. And your point about wanting

additional time for those who want to speak on this, I fully agree. And the compromise that I would forward is to have the public hearing at noontime on the 29th as opposed to having it on the 21st.

LEG. CRECCA:

I will just add that one other thing is certainly we would like to get this done if we can, reapportionment that is, as soon as possible so that the Board of Elections has time also to do their work prior to nominating conventions and the petition process.

LEG. TONNA:

Let's vote.

LEG. FOLEY:

Correct; we've been there before.

LEG. CARPENTER:

Let's vote.

LEG. CRECCA:

I have nothing else, Madam Chair.

LEG. FOLEY:

Can I claim back my time? Because I did ask a question to be answered.

LEG. CRECCA:

Was there another question you had for me?

LEG. FOLEY:

No, I have a question for the Chair.

P.O. POSTAL:

Yeah, sure.

LEG. FOLEY:

Thank you, Legislator Crecca. If we wanted to make a competing motion to make it noontime

on the 29th --

P.O. POSTAL:

Well, why don't you wait 'til the --

LEG. FOLEY:

-- how would we do that?

P.O. POSTAL:

Well, I would assume, I'd certainly defer to Mr. Sabatino, that you would wait to see if this motion is approved or defeated.

LEG. FOLEY:

Correct, that's correct, right.

LEG. CRECCA:

Before -- I have a procedural point.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

If the motion -- if I do a motion to waive Rule 9B and to set the public hearing for Monday the 21st, it's my understanding that will take a two-thirds vote, that takes 12 votes.

MR. SABATINO:

The waiver vote would be 12 votes. If you don't get the waiver adopted with 12, then it takes 14 votes to set the day of the hearing on a different day.

LEG. CRECCA:

I can't do them as a combined motion, a waiver and to set the date?

MR. SABATINO:

Well, they're two different vote requirements so you should make the motion to --

LEG. CRECCA:

To waive first?

MR. SABATINO:

Make a motion to waive Rule 9B first would be my advice, that takes 12 votes, then you'll know whether you're dealing with 14 votes or 10 votes to deal with setting the date.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah, point of information. I understand the motivation of the motion to set the date for the public hearing on a separate date from the meeting so that the super majority requirements won't apply at the regular meeting in order to meet the calendar requirements of getting the map approved. That's -- am I correct in my understanding of that?

LEG. CRECCA:

I didn't hear his question.

MR. SABATINO:

No, I think -- the inquiry that was made to me deals --

LEG. GULDI:

No, different inquiry, let me simplify it. Why hold the special hearing date in the first place, the difference -- is the difference that if you do it on a different day than the meeting day, if you wanted to act on the meeting day you wouldn't have a super majority requirement to do so on a meeting day?

MR. SABATINO:

Oh, that would be the consequence of doing it on a different day.

LEG. GULDI:

Okay. My colleague, Mr. Foley, whose verbosity seems to run in the family as we had demonstrated earlier today --

LEG. FOLEY:

You don't do a bad job either, George.

LEG. GULDI:

-- makes a good point in that the proposed date is the middle of what's been preserved by many as a holiday week and on the proposed date I for one will be in California having already paid for the hotels and tickets.

The question I have, and perhaps the sponsor will entertain it, is if the special hearing were held Monday, the 28th instead of on Tuesday the 29th, would it not fulfill both purposes of avoiding the conflict with the holiday week and still meeting the rule requirement vis-a-vis the hearing?

LEG. CRECCA:

I don't believe it would be eligible for a vote on the 29th, number one.

LEG. GULDI:

Would it, Counsel? Let's resolve that. Would it be eligible without meeting a super majority requirement?

MR. SABATINO:

If the hearing was closed on the 28th then you could have a vote on the 29th with the normal voting requirement unless there was a corrected copy. The advantage of having the 21st is that that's eight days before the 29th, so if there was a necessity for a corrected copy and avoiding a Certificate of Necessity, you would be able to accomplish it. But if there's no need for a corrected copy, there's no need for a CN, then if you close the hearing on the 28th you could then vote on the 29th with a simple majority.

LEG. CRECCA:

Certainly we would like to have the option to do that, to be able to correct based on the public's input. Again, I just want to make it clear that my motion, unless -- and I believe this is a legal motion -- would be to waive the rule and set the date of Monday, April 21st, 003, at 9:30 in the William Rogers Legislative Building for the public hearing on those three resolutions as one motion.

MR. SABATINO:

As long as the waiver -- as long as you have -- you need the waiver in order to ascertain how many votes you need. So if you want to combine the two you can, but it's still going to require 12 votes.

LEG. CRECCA:

If I combine the two I just need 12 votes to do it.

MR. SABATINO:

Right.

LEG. CRECCA:

So I could do it as one motion that requires 12 votes.

LEG. TONNA:

Right. The motion is made and seconded.

P.O. POSTAL:

Okay.

LEG. FISHER:

On the motion.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

As well as the Legislature possibly not being here during that week and I think it's a very good idea to have the public hearing before our General Meeting on the 29th, there might also be many members of the public who will not be available during that week because it is the Easter vacation. And I think that the 28th is a good compromise so that we do have the time to look at the resolutions. I would just ask you to consider the 28th as a good compromise.

LEG. CRECCA:

Madam Chair, again, the problem is is that -- and that's one of the reasons that we picked the

21st or looking at the 21st, so to allow -- you know, for example, on your plan, Legislator Fisher, if that plan is receiving a lot of support but it needs to be changed a little bit, it would allow us time to change that and it would be eligible to be voted on the 29th. So there are certainly --

LEG. FISHER:

But actually we could vote on it on the 29th if we had a super majority, couldn't we?

LEG. CRECCA:

No, because you wouldn't have -- not if you amended it; if you amended it you would not have enough time to amend it.

LEG. FOLEY:

Unless there's a CN.

P.O. POSTAL:

Legislator Binder?

LEG. BINDER:

Yeah. Madam Chair, the --

LEG. FISHER:

Wait, I had a question based on that. Counsel, we would have to have a CN on that if there were any changes made to it?

MR. SABATINO:

Correct, that's what I stated before, you would need a CN if you made the change less than eight days before.

LEG. FOLEY:

Put me on the list again.

LEG. BINDER:

Madam Chair?

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I mean, the important thing to understand, if we don't do it on the 21st we're locking out, in a sense, the public. Why have a hearing Because any changes that would come from those hearings couldn't be made without a CN for us to do it in a timely manner, we're in a sense then inviting a special master. So let's -- I mean, this is not good for me. The truth is that that date is just before a holiday; I know I have a lot of holidays, but Passover for me, the holiday is the first two days and the last two days, this is going into those last two days, that's why I need it early. I'm not happy with having it that day but I can tell you it's needed for us to be able to do this.

LEG. TONNA:

Call the vote.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

If we have it on the 28th and we can't come to an agreement or there are changes made that the County Executive -- I would hope the County Executive would bring over a CN, but if he couldn't bring over a CN on the 29th, even if we have an agreement by that point, we can do one of two things, we can either wait two weeks, it's another two weeks, the 13th to vote on that particular amended bill, or we can hold a special meeting in early May. So we have those choices that people want to speak on the -- want to vote on the 29th but we can have it wrapped up as soon as the 29th with a CN if there's agreement among the Legislators, or no later, no later than two weeks hence. So it's not as if we have to wait another six weeks after the 29th. And by approving it on the 13th of May, that coincides with conventions, and the circulation of petitions, as we all know, won't occur until June. So there is enough time within the next several meetings, Madam Chair, to move forward with all due speed in order to have the lines in place prior to the circulation of petitions in June.

LEG. TONNA:

Call the vote.

P.O. POSTAL:

Okay, we have a motion and a second. Roll call. You want to just repeat the motion, Henry?

MR. BARTON:

Yes, it's to waive Rule 9B and set the public hearing for Monday, April 21st at 9:30 A.M.

LEG. CRECCA:

For IR 1247, 1248 and 1249.

MR. BARTON:

For the three resolutions.

P.O. POSTAL:

Right. Okay.

(*Roll Called by Mr. Barton, Clerk *)

LEG. CRECCA:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Abstain.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

MR. BARTON:

15-2 with one abstention (Opposed: Legislators Foley & Caracappa - Abstention: Legislator Guldi).

P.O. POSTAL:

And I will take a motion from Legislator Binder, seconded by Legislator Towle setting the date of May 13th, 2003 at 2:30 P.M. in Riverhead, New York, for Public Hearing Regarding the 2004 - 2006 Capital Budget and Program. All in favor? Opposed? The date is set.

Now, we're going to return to where we left off on our agenda which was the motion to override the veto on Resolution No. 183, to establish County Office Space Policy for Downtown Revitalization.

I'd like to recognize Mr. Sabatino who could clarify the differences between I guess the resolution that was approved here and the veto message that was provided to us by the County Executive.

MR. SABATINO:

Okay, just to go back to the beginning. When Resolution 183 was adopted there were three major components to it. The starting point of that bill is that the location of facilities in the future would be in downtown areas, so the starting point is you put them in downtown areas. If you want to put them someplace other than downtown areas, you have to get a waiver from the full Legislature. The other critical component is that payments would not be permitted to do the work in places other than downtown areas.

The veto message dealt with the issue of two points. One was a problem concerning the definition of where the downtown areas are and the second point of the veto message was that veto message thought that the bill was retroactive in nature, but it's not, it's prospective in nature. That has to be contrasted now with the Certificate of Necessity which is 1303 that was proposed as an alternative.

The first point is that the definition of a downtown area is identical in both bills. So the center piece of the veto message which was a problem with the definition of downtown areas would be identical in both provisions. The retroactivity issue I dealt with already. So what you're left with is comparing the starting point of each of the two bills. The starting point, as I said before, in

the Postal Bill is that you go into a downtown area and then you look for a waiver to get out of it. The starting point in the alternative version is that you give consideration to a downtown area which, again, is defined the same way, but then the Space Management Committee just has to make one finding under six different categories, just one of those six categories, they make a finding then they have waived the downtown area provision and now you're outside the downtown areas. And the waiver provision that's talked about on the second page of the alternative bill would be a waiver to get you back into the downtown areas.

So it's really a difference of where you start in terms of the two bills. One bill starts with downtown area and you fight to get outside of it, the other bill starts with you consider the downtown area,

Space Management gets you out of it and then you have to fight your way back into it.

P.O. POSTAL:

I would just like to point out that on the day when this resolution was approved by the Legislature, a member of the administration was heard to say, "Well, we'll just get waivers for everything." Now, I think that the version that is accompanied by the CN makes it easier to get waivers for everything and to nullify the intent of the downtown bill. So we have a motion to override and a second I believe?

MR. BARTON:

Yes.

P.O. POSTAL:

Legislator Binder?

LEG. BINDER:

Right. I know the way this has been phrased is that we have a choice between the one that's before us that's been vetoed and the County Executive's version; I would say that they both need work. The County Executive's version for claiming to fix it on a veto does nothing of the sort, doesn't do what needs to be done, so throw that out. I mean, that's -- I mean, I don't know if anybody would even vote for it here, so that doesn't accomplish what we want anyway.

One of my concerns is that the County Exec's people obviously didn't even read their own

information from their own people. They missed some of the concerns. One of the concerns I still have, I've had, I still have, is the question of termination of an employee. I understand that we want to have a strong hand in getting the government to do what we would like them to do in terms of downtown revitalization, I just don't know that it is a good precedent for us to be passing laws that threaten termination when they don't do something in a general policy mode. I want them to go to downtown, I want them to look there, I don't know that we want to go as far as -- it's one thing to hit them with a hammer, it's one thing to crush them with it and it's -- I have a concern.

I still have a concern about the definition, whether it's the County Exec's bill or this bill, as to downtown revitalization. I know that we have been doing money and so we know where all the downtown are, but the truth is we've kind of had fuzzy areas in terms of where the downtowns are ourself and I think we know that. We've kind of fit downtown money into what, quote, could be downtown, but maybe it's not; I can give areas, better that I don't, but I don't think it's actually clear. So you combine the two that it's not clear in the County Exec's bill, I don't think it's clear in this bill.

I think if you're going to use such a heavy hammer of law and threaten someone's job, you have a responsibility as a Legislator to be much more specific then, "Well, we've been doing it for a long time, we've been giving money and we should know where it is and so should they." Not when someone's job is on the line. If you want to keep one -- you want to soften the blow in terms of the employment? All right, then maybe you can have it vague or somewhat vague or based on past practice. But when you're threatening people's jobs, you should be real careful about how specific you are about what they have to follow or how they can lose their job. And so I think we should be -- I don't think we should be cavalier with it. I think we should do downtown revitalization but I think we have to think about the specific law and I have a concern about that.

I have a concern, I don't know that the County Exec dealt with it adequately -- in fact, I don't think he did -- but I still have a concern on how long it's going to take with the waiver process that we have. I talked to Christine Costigan a couple of times about this now and from looking at the process, and that's what they do, they do the process, I think this could end up pushing out possible leases for months. We could lose leases, we could lose opportunities and so I think we have to be concerned about that. And this is all -- was all put out to us I think and given to us, Christine Costigan wrote a memo month on it.

The other thing I think that we should demand as a Legislature, we should demand that we have with every single one that comes over some kind of cost analysis. I'm not saying that if it costs \$2 more afoot in downtown than non-downtown that we should reject it because that's policy. But in each case, we shouldn't be asking Real Estate, "Excuse me, please. On this one, give me a cost analysis before I see if I want to do an exemption." We should know with each one, it should be part of the package they give us, how much does had cost us more in downtown than not.

Last point. I still think there's a question as to whether someone's going to end up with -- I'm just using this as an example but it probably won't be -- a methadone clinic in their downtown. Well, maybe we can get an exemption. Maybe every -- oh, we know what goes on here, someone has a bad day, someone is mad at someone here, we're not happy, so now it's your district, "Oh, it's too bad." So your district, "Oh, that's not my problem." There's the concern; if the only way to get something that you don't think should be in a downtown in your district out is by an exemption, I don't know if that is the only escape valve that each of us may want for our downtown areas for things that we may not think are proper to be placed in our downtown area that they didn't have a choice, Real Estate, in placing in our downtown area. They might not have a choice, they might be told, "This is how you have to do it." And you may not want that there and you might only have one way out and that's to get the Legislature to pass an exemption which they may or may not depending on how things go. I don't know, a map goes this way, a vote goes that way, you voted, you didn't vote, you were friends, you weren't friends, you know how it works. I think you should be a little bit more careful about this bill.

I am a hundred percent behind what Legislator Postal is trying to do, she's a hundred percent right. We should do what we can to help our downtowns but I think we just have to be a little bit more careful about it. I think that Legislator Postal could tweak the bill, basically it would take tweaking and we can end up with something that we would be a lot more careful about, wouldn't put people's jobs at risk, they would be more specific, they would know what their job was to do, we would be more careful about what could go in our downtowns; I can give you a list of things. I just think we could be a little bit more careful about this and I would hope that we could still do downtown revitalization, we don't have to -- let's not deal with the County Exec's bill, we can write our own bill.

P.O. POSTAL:

First let me just say that while we're all working in the spirit of cooperation, I was really dismayed that nobody called me or contacted me when this resolution was vetoed. Previously, when we weren't working cooperatively, last year and the year before, I used to get calls when one of my bills was vetoed. You know, I said that I would like to see a version of what the County Executive proposed because I was keeping an open mind and I would certainly consider his suggestions and proposals.

The first thing I noticed when we talk about identifying downtowns -- and we can certainly identify them via an amendment, nobody says we can't -- was that Babylon and Smithtown are not listed as traditional downtowns. So I would ask Legislator Nowick and Legislator Bishop whether they feel those areas are traditional downtowns in this County --

LEG. CRECCA:

I represent downtown Smithtown.

P.O. POSTAL:

Well, then you should object to exclusion or omission, too. You know, I just point that out because I think there was very little meeting of the minds. And I may have said this morning, I'll say it again, that somebody -- I did say it -- in the administration was overheard to say as soon as the bill passed, "Now we'll just get waivers for everything."

I would like to also remind you of the list that I provided to each of you of resolutions approved by this Legislature with information on where they are with regard to implementation and to remind you of how many other bills this Legislature has passed which have not even started to be implemented, some of which are years old so. What I'm suggesting to you is that leaving, I guess, jurisdiction up to the Space Management Committee and not ultimately to this Legislature is a way that you can guarantee that there will be other instances of where the intent and the will of the Legislature is circumvented and disregarded.

I think that if there are concerns and the Legislature -- and the County Executive would like to make modification to this bill, he certainly has the opportunity to offer an amendment. But I think that this is a good bill. I think that with regard to the penalties, we haven't been at all successful with having I guess the Executive Branch follow through on policies we've adopted here in this Legislature and I think it takes some stronger action than just assuming that there will be good will. So Legislator Nowick and then Legislator Haley

LEG. NOWICK:

I'm just trying --

P.O. POSTAL:

Is it Legislator Foley and Legislator Lindsay?

LEG. NOWICK:

Let me yield to Legislator to Foley for one second while I'm looking for something.

LEG. FOLEY:

Thank you.

LEG. NOWICK:

Not too long, Brian.

LEG. FOLEY:

Nope, I won't be that long. You know, Legislator Binder raises a good question as far as the concerns some may have of whether it's a methadone clinic or some other County service that would be objectionable to some within the given community. You know, whether that happens now or in the future, the fact of the matter is that particular contract would have to come to us anyway for a vote, I mean, it has to come to us right now for a vote if we're going to be renting a building in the down -- anywhere in the County for a methadone clinic. So we have to vote on that contract up or down as it stands currently, so we still have that ability to say yes or say no when we vote on the rental contract, and I'll give you an example. It was very -- when I was on Space Management, it was very difficult to find a place for a methadone clinic and eventually one in Huntington, we had to stay at that particular site or in that particular area because there's no other location or landlord that was willing to take it. So what's my point? My point is particularly when it comes to what some would consider either sensitive or objectionable location of some County services, there's already in place mechanisms where the public's input and where our oversight comes into play which is through the approval or disapproval of a contract for a particular building. So that's not going to change whether this bill is approved or not approved because it would still would have to come before us in any case whether we want to approve that kind of contract.

LEG. BINDER:

Would you yield for a moment so I can --

LEG. FOLEY:

Sure, absolutely.

LEG. BINDER:

-- converse on that. The question that I would raise then is in the process under this bill, would then it come before us as something in downtown automatically? See, normally in the process, you're right, it would come before us but it might be after a lot of discussion as to where it would be, sensitive, nature, it adds up somewhere.

LEG. FOLEY:

Right, right.

LEG. BINDER:

Now it would come before us in a downtown because it has to come before us in the downtown because they have to look in the downtown, they don't have a choice. Now it comes to us, now let's say we get the waiver and you say, well, no it doesn't have to be a downtown, now they're back out again looking somewhere else because now it doesn't have to -- now you've lost two or three months and my concern is --

LEG. FOLEY:

We can seek the waiver early in the process, I think that's the point.

LEG. BINDER:

May or may not happen, that's the problem.

LEG. FOLEY:

Well, let's ask the sponsor, the prime sponsor of the bill; could they not ask for the waiver early in the process?

P.O. POSTAL:

You can -- the waiver could be asked for immediately. As a matter of fact, I think it wouldn't encourage the Executive Branch to communicate with Legislators whose district is directly involved. You may all remember that we've seen 72-h Resolutions introduced by the Executive

Branch that the Legislator for the affected district doesn't have a clue about and we actually had to produce legislation to require them to inform us. So, you know, I would certainly suggest that that would be to their advantage and maybe it would encourage them to communicate with us promptly.

LEG. BINDER:

They won't do it.

P.O. POSTAL:

Well, if they won't do it then they really don't deserve any kind of leeway from us, not to be courteous as to what's in our districts. Legislator -- are you finished? Legislator Nowick.

LEG. NOWICK:

Yes. My concern here is with my own town, my district, as everybody else's. I'm concerned that my town will lose their right to decide what goes into their town and I'm a little frightened that the waiver may not be enough. So I want to ask, does this resolution allow for a town, their Supervisor and the Councilman and the people at the town to say to us, "We don't want it," and can --

LEG. BINDER:

Yeah, but this Legislature can override them.

LEG. NOWICK:

Must we respect them or can we say to them, "Too bad." That's where I'm worried about my town and I'm sure everybody else is worried about their own districts.

LEG. BINDER:

We could say too bad.

P.O. POSTAL:

Well, it actually gives you, as the Legislator for your district, the ability to start the waiver process, to request a waiver, which you should have. As a person representing a certain portion of this County, you should have that ability and things that happen in your district should involve you and be subject to your approval.

Now, we all know as Legislators that we've all had things done in our districts which not only have not met with our approval but which we haven't known about; for example, the 72-h's, until we have seen them on the agenda. So yes, you would be an involved party, a very important involved party and it would be possible for you to request for a waiver to be generated from numerous sources, from you as a Legislator --

LEG. NOWICK:

And just --

P.O. POSTAL:

From your town government, from your chamber of commerce, from your civic associations so that there are -- we're trying to do the downtowns a favor.

LEG. NOWICK:

Right, but just so I learn --

P.O. POSTAL:

It would be foolish if we did something that they didn't see as a favor.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

LEG. NOWICK:

I keep seeing waiver, waiver, and I'm not sure. With a waiver, does that mean I then would come to the Legislature and say, "I request a waiver," and I need a vote of ten to nine or ten to eight, whatever it is? So the town still has to depend on the Legislature to do what I'm asking it to do.

P.O. POSTAL:

Yes.

LEG. NOWICK:

So --

P.O. POSTAL:

Yes.

LEG. NOWICK:

-- we're at their mercy.

P.O. POSTAL:

Well, Some people -- let me just comment on that. There are some --

LEG. NOWICK:

See, I like the idea of the revitalization.

P.O. POSTAL:

Yeah. And there are some Legislators who have experienced the same disregard with regard to their towns. Their towns do things without ever having the courtesy to discuss them with the Legislator who represents the district. So this gives you and us as the Legislature some authority, and I think it's extremely important that we maintain that authority.

LEG. HALEY:

Me next.

P.O. POSTAL:

Legislator Lindsay is Next, and then Legislator Fisher and you.

LEG. LINDSAY:

What I want to talk about is what a lot of my colleagues have expressed as well, and I expressed this the first time the bill came through, that it's -- the bill starts off with the assumption that our downtowns want County facilities, and I don't know whether that's the case all the time, and that's my one concern about the bill. It was the first time, although I voted for it the first time. I don't think the County Executive's CN does real anything to clarify it matter any more than the original bill, but I still have this concern about are we legislatively forcing County facilities in areas that don't want them.

LEG. CARPENTER:

If I could, Madam Chair.

P.O. POSTAL:

I could put you on the list.

LEG. CARPENTER:

Oh, sure.

P.O. POSTAL:

Legislator Haley -- Legislator Fisher, then Legislator Haley, then Legislator Carpenter.

LEG. VILORIA-FISHER:

You grabbed that mike quickly.

P.O. POSTAL:

Not quickly enough.

LEG. BINDER:

You got to grab him while he's still here.

LEG. VILORIA-FISHER:

I have a few problems with both the original resolution and the proposed CN. The first are the following -- is the following: With the original resolution, if the Space Committee is not going to be determining where the suitable location for a County facility would be, what resources do we as a Legislature have to make that kind of determination? I've sat at -- on the Social Services Committee, and the Health Committee and the Public Works Committee where Terry Allar has come to us and other people from Public Works to talk about decisions that they've made for space based on appraisals from realtors, contracts that their space needs, parking needs, that kind -- accessibility. What resources would we have to do these kinds of determination? That's not clear in this resolution.

MR. SABATINO:

Listening to all the dialogue, I think there's a fundamental misunderstanding maybe in terms of what the bill does. The world as it currently exist, in terms of the initial process of who's going to be doing the advisory recommendations, who's going to be doing the leg work, who's going to be doing the appraisals, whatever, that remains the same. The fact that there's only two

ways to --

LEG. VILORIA-FISHER:

But isn't that in the Space Committee?

MR. SABATINO:

Yeah, but all the Space Management Committee does under statute is make recommendations. The Legislature makes the final decision. There are only two ways to have facilities in this County, both of which you control, either you build and construct or you rent. So, in terms of all of the questions that have come before us before, it's still the Legislature that makes the final determination. All this bill does is establish a new County policy, which is that at the threshold, at the beginning of the process of looking for facilities, whether it's to rent or to construct, that the focus or the objective is going to be to go into a downtown area. That's going to be the starting point.

LEG. VILORIA-FISHER:

The reason I asked the question, Paul, is because the Space Committee is mentioned in the CN and the Space Committee is not mentioned in the original bill, that's what --

MR. SABATINO:

Right, because --

LEG. VILORIA-FISHER:

-- led to the confusion.

MR. SABATINO:

Right. That's what -- that's why I wanted to take the opportunity, because a lot of the questions seemed to be -- seemed to be predicated on a thought that somehow this legislation is changing all of the other -- all of the other portions to the transaction, but that's not the case. It's just establishing that the starting point, the criteria, the threshold from which you're going to decide where to construct or where to rent. But all the other things that are normally done, leases, and construction, and Public Works doing construction work, and Space management doing the leg work is going to remain the same.

LEG. VILORIA-FISHER:

Okay. Paul, you may as well hold onto your mike, I have another question. In the first "resolved" of the -- of 1048, or what is now 183, there's a line that says that, "Construction and building leases shall be made only in those areas that have been determined to be in need of economic stimulus." This is part of the ambiguity of the first "resolved". How is that going to be determined, by whom is it going to be determined? Are the downtowns themselves going to determine whether they're need -- in need of economic stimulus?

MR. SABATINO:

That ties into Resolution 808 of 1998. That was the -- it's referred to earlier in the resolution.

LEG. VILORIA-FISHER:

Yes.

MR. SABATINO:

That was the legislation that established the original Downtown Revitalization Program, which was intended for basically economic subsidization of downtown areas. But there was an advisory committee that was created, because the Legislature decided not to be the entity picking all the communities --

LEG. VILORIA-FISHER:

Does it still exist?

MR. SABATINO:

And this is basically it, it's saying that that --

LEG. VILORIA-FISHER:

Still exists? Okay. Thank you, Paul. I didn't know that that advisory committee still existed, and I didn't know who was going to do that determination. And I have -- Maxine, I think it would be a good idea to have an amendment that defines the downtowns, because that's another ambiguity here, because at the beginning of the "resolved", it says, "Including, but not limited to," and then it mentions a number of hamlets and downtowns.

P.O. POSTAL:

In the new resolution.

LEG. VILORIA-FISHER:

In both resolutions.

P.O. POSTAL:

In both --

LEG. VILORIA-FISHER:

In both resolutions it says that.

P.O. POSTAL:

In the new -- yeah. I would suggest that that might be a worthwhile activity for Jon Cooper, as the Chair of the Economic Development Committee, and he might put that together with the help of George Gatta. So --

LEG. VILORIA-FISHER:

Okay. Because I think we really -- I agree with Allan, that that's so ambiguous, that somebody's job depends on it and they don't know where the downtown is, because it says, "Including, but not limited to," and it doesn't have Smithtown and Babylon, as you pointed out, so I think --

P.O. POSTAL:

Well, that was the County Executive's bill.

LEG. VILORIA-FISHER:

No.

P.O. POSTAL:

They both leave them out?

LEG. VILORIA-FISHER:

They're both the same there.

P.O. POSTAL:

They both leave them out?

LEG. VILORIA-FISHER:

Yours left them out also.

MR. SABATINO:

Smithtown is right there. And that list --

LEG. VILORIA-FISHER:

But Babylon isn't.

MR. SABATINO:

Because this was -- this was what was determined as of this point by Resolution 808. The reason it was put "including, but not limited to", is because the Advisory Committee has the ability to go beyond, that was the only point, but Smithtown is mentioned in there.

LEG. VILORIA-FISHER:

Oh, I see Smithtown in the first --

P.O. POSTAL:

Yeah. But, certainly, I think an amendment addressing those items which do concern us is very reasonable. Legislator Haley and --

LEG. HALEY:

Thank you. I just imagine, Legislator Postal, that the next bill you're going to put in is County Manager bill.

P.O. POSTAL:

We could use one.

LEG. HALEY:

We could use one, right? You know, in the almost eight years that I've been here, we've done a pretty good job as a Legislature and in wrestling control away from the County Executive. And what really concerns me about this is how you want to add a judicial component in that, if you don't comply with our ambiguity, you know, you're going to be punished, and I think it's a significant problem. But what really bothers me more about this than anything else is that we haven't memorialized specifically how we're going to deal with the economic impact in not only those particular areas, but in the town in general, and especially if we're going to relocate. If

we're going to relocate, I think that's another concern.

But we buy land in a town, we just go and buy it. We decide we're going to put a building in Patchogue, we just go ahead and do it. The towns are given the responsibility of zoning and, hopefully, planning, consistent with what they do in Brookhaven, is they do hamlet studies and have an idea of how they want to approach that particular community, albeit a downtown area or just, you know, a regular, you know, bedroom community. For us to do that -- yeah, right. For us to do that, in absence of communicating and getting the town to buy into our approach I think is inappropriate.

I think, if we're not going to do a concerted economic impact, if we're not going to make sure that the towns are, in fact, part of the process, because they're the ones that have the planning in that area, I think we're doing a disservice to the entire area. Do you want me to repeat that, because I don't think anybody paid attention to that one.

LEG. GULDI:

Marty, we don't -- we only don't pay attention to you when you're talking.

LEG. HALEY:

Thank you, George.

P.O. POSTAL:

Are you finished?

LEG. HALEY:

I think so, for now.

P.O. POSTAL:

Let's see. Legislator Carpenter, did you -- yeah.

LEG. CARPENTER:

I have heard from a number of constituents who are involved in the downtowns, and they had some concerns about County facilities being located in the downtown. And I know I had expressed it in committee, and you adjusted the bill to have that waiver provision added to it. And, you know, I communicated to them that there is a waiver process. Now, what I want to

know, with this version that has been sent over by the County Executive, is the waiver process easier, less cumbersome with that bill than it might be with the one that we're considering overriding?

MR. SABATINO:

It's a question of perspective. The comes down from a different direction. The burden shifts. The burden, the burden under the Postal bill is for someone who wants to see the facility be outside of a downtown area to seek the waiver. In the alternative bill, the burden falls on the party that wants to see the property get back into a downtown area, because the self-executing waiver is given to the Space Management Committee to simply make a finding of one of those six items and then they're out of it, you're out of the downtown area. So, to get back into the downtown area, the burden now shifts to the advocates of getting into downtown areas. So, it's not a question of right or wrong, it's not a question of cumbersomeness, it's a question of perspective. The burden is shifting. The burden in one bill starts from the people who want to get it outside the downtown area have to go for the waiver, in the other bill, it's the opposite.

P.O. POSTAL:

Roll call. Can we get everybody back in the auditorium?

MR. BARTON:

On the override.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. FOLEY:

Yes, to override.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass -- no. No, to override.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes, to override.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

No.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Maybe.

LEG. TOWLE:

That's a new box, huh?

LEG. CARACCILO:

Pass.

LEG. CARACAPPA:

Yes.

LEG. TONNA:

(Not Present)

LEG. NOWICK:

No, but I want to go on the record to say that I would like to --

P.O. POSTAL:

You can't explain it.

LEG. CARACCILO:

No.

MR. BARTON:

11. (Not Present: Leg. Tonna)

P.O. POSTAL:

The veto is sustained. Frankly, you know, I was very agreeable to working on changes, but the changes which have been presented to me take all the teeth out of this resolution, and I'm not willing to sponsor something that's just window dressing. So, if you want to work with the County Executive on this, you may. Well, anyway, let's move along. We have another veto on --

it was **Number 182, a local law to require verbatim minutes for Suffolk County Industrial Development Agency.**

LEG. TOWLE:

Motion to override.

P.O. POSTAL:

Motion to override by Legislator Bishop, seconded by Legislator Towle.

LEG. TOWLE:

You realize this is my bill, right?

LEG. BISHOP:

Good bill.

P.O. POSTAL:

Okay. All in favor?

LEG. HALEY:

Hold on one second.

P.O. POSTAL:

Okay. We're holding on for Legislator Haley.

LEG. HALEY:

Just repeat the motion, please.

P.O. POSTAL:

It was a motion to override the veto on Resolution 182. We have a motion and a second. All in favor?

LEG. LINDSAY:

Question.

P.O. POSTAL:

Okay. Legislator Lindsay.

LEG. LINDSAY:

This is a question for Counsel. The veto message says we don't have the authority to dictate to the IDA, because it's an arms-length agency from County government.

MR. SABATINO:

Well, it's not an arms-length agency, because the seven members are all appointed by the County Legislature and they all serve at the pleasure of the Legislature, so it's an agency that's controlled solely and exclusively by the County Legislature. It's not even one of those situations where the Executive has any representation on the Board, it's 100% Legislative.

LEG. LINDSAY:

So Counsel feels comfortable that we have the authority to do this?

MR. SABATINO:

Absolutely. And any member that would not --

LEG. LINDSAY:

That's all I want to know.

MR. SABATINO:

-- adhere to it could be removed by the Legislature at the pleasure of Legislature.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

17, 1 not --

LEG. HALEY:

Opposed. Opposed.

MR. BARTON:

16-1-1 not present.

P.O. POSTAL:

The veto on Resolution Number 182 is overridden. Okay. Now we have a number of Certificates of Necessity. Todd, would you like to present them to us?

MR. JOHNSON:

This should only take a couple of hours.

LEG. BINDER:

No.

MR. JOHNSON:

No? Okay. The first CN I have is **1080. This is a local law to amend the process for seizure and distribution of forfeited assets.** We've been working on this for quite awhile. There were some questions about the process. We've just made a correction and filed it, and we'd like to submit it for your approval tonight.

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Would you tell us what you've done? I mean, you just told us that you made some changes. Would you clarify that?

MR. JOHNSON:

Yeah, I'll tell you the changes I made with regard to the corrected copy.

P.O. POSTAL:

Thank you.

MR. JOHNSON:

The resolutions's been around awhile. The corrected copy changes some issues with regard to the distribution of the funds. Specifically, it says that the portion that is going to be under the administrative authority of the Stop DWI Unit will come back before the Legislature and be

subject to approval on an annual basis.

LEG. FOLEY:

Madam -- through the Chair, why can't this go through committee and us vote on it on the 29th of April?

MR. JOHNSON:

It has been in committee and it has actually been voted out of committee. It is before you. The only reason it's a CN, it's because a corrected copy was done yesterday.

LEG. FOLEY:

Okay.

MR. JOHNSON:

For that small change.

LEG. FOLEY:

All right. So -- but are they substantial fundamental changes, or was it just minor changes?

MR. JOHNSON:

No, no, no. If you look -- if you look through it, I'll --

LEG. FOLEY:

All right. Okay

MR. JOHNSON:

It's a very small and minor change.

LEG. FOLEY:

Okay. Thank you.

LEG. ALDEN:

On the motion

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Todd, correct me if I'm wrong, but this -- part of this was driven by some decisions that came down in the Second Judicial Department, right, that would actually jeopardize our whole program if we don't institute the -- the one thing that this is calling for is a hearing, isn't it?

MR. JOHNSON:

Well, yes. What -- yes.

LEG. ALDEN:

If we don't include that hearing, our program could get thrown right out.

MR. JOHNSON:

We wanted to make sure that was included.

LEG. ALDEN:

And that's what's in there.

MR. JOHNSON:

That was corrected a while ago, though.

LEG. ALDEN:

Right.

MR. JOHNSON:

Okay. That is one of the changes here, though.

MR. SABATINO:

Just keep in mind that the Police Commissioner is going to -- this is delegating that function and authority to the Police Commissioner, unlike what was done in the ATV bill, which Legislator Caracciolo had done, which actually specified all of the -- you know, the time lines. I'm just warning you that delegating that authority for the Commissioner to set up all those procedures may be problematic, because one of the problems they ran into in Nassau County when the seizure law was struck was the lack of specificity. I mean, I had raised this concern early on and

I'm just reminding you that, again, it's not -- you're not setting forth the specific dates and the process like you did in the --

LEG. CARACCILO:

ATV bill.

MR. SABATINO:

In the ATV bill, which was based on that same Kelly Decision out of New York City. It may not be fatal, but in -- recently, in Nassau County, on a different topic, it wasn't on the issue of the hearing, but the notion that came out was the lack of specificity in the delegation of --

LEG. ALDEN:

Can I just continue along with the line of questioning, then?

P.O. POSTAL:

Sure, Legislator Alden.

LEG. ALDEN:

When the Commissioner sets those hearings and a time line, can we incorporate that into the law, then?

MR. SABATINO:

I think it should be, because I think it's important that the parties that are adversely affected know exactly what they're dealing with.

LEG. ALDEN:

That's what the Judge said in the court case that kicked it out. So, Todd, I would just ask you, if that's your intention to very quickly have the Commissioner set these time lines for the hearings and things like that and then provide us with that information? I think that Counsel has a valid point, as far as us including that in the law.

MR. JOHNSON:

Okay. With regard to that idea of specificity, I'm going to let Dave Grier --

LEG. ALDEN:

Sure.

MR. JOHNSON:

-- chime in here.

MR. GRIER:

With regard to the time frames and the process that gets implemented, the Police Department has already put together rules and procedures outlining the time frames, the notice that's required, all which has been done pursuant to the requirements under the { Crimstock} Decision, which is the Second Circuit case, which invalidated the City's law.

LEG. ALDEN:

But just to go one step further, { Crimstock} , as indicated by -- Legislator Sabatino kind of stated that it should be included in the law, not just something that could change.

MR. GRIER:

I don't believe it specified it had to be in the law. As long as the hearing process is in effect, that's ultimately what matters, and those R and P's have been put in place already.

LEG. ALDEN:

Okay. So you're comfortable from a legal point of view that, if it's just developed by the Commissioner and not included actually in the law that that would pass muster?

MR. GRIER:

Yes, we -- yes, we do. And it gives the Commissioner the flexibility to make sure that the law, as it develops and goes back to the courts, if there are any modifications we have to make, they can easily be made through R and P's and implemented on a much more expedited basis.

LEG. ALDEN:

Okay.

P.O. POSTAL:

Okay. Do we have, Henry, a motion?

MR. BARTON:

(Shook head no).

P.O. POSTAL:

Is there a motion to approve?

LEG. CARACAPPA:

I make a motion.

P.O. POSTAL:

Second? Motion by Legislator Caracappa.

LEG. HALEY:

Second.

P.O. POSTAL:

Second by Legislator Alden.

LEG. GULDI:

On the motion.

P.O. POSTAL:

On the motion, Legislator Guldi.

LEG. GULDI:

On the motion, yeah. I just want to go on the record that, frankly, if we have the rules and regs and we already know what they're going to be, they really belong in the bill. And while I'd be inclined to support this if they were in the bill, I don't know if I'm inclined to support it in their present form. It is a CN. How easy would it be to correct that deficiency, since it won't impact the implementation of the program, to have it in the bill, while it might, albeit in the opinion of some a slim possibility, jeopardize the entire program by not having it in the bill?

LEG. CARACCIOLO:

Here-here.

MR. JOHNSON:

Well, this is something that we'd certainly like to see move forward as quickly as possible. It has been lingering for quite sometime. And as far as expanding and detailing the process, we can certainly do that subsequent to its passage as easily as prior to it.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

Why is this a CN?

MR. JOHNSON:

As I just explained, this resolution was discharged from committee and is actually on the floor before you. We had a minor change.

LEG. FIELDS:

Okay. But why is it a CN?

MR. JOHNSON:

As I explained, we made a minor change yesterday. We'd still like to see it move forward. It was discharged from committee, should be before you today. It's not supposed to be back in --

LEG. BINDER:

Doesn't comply with the eight-day rule.

LEG. FIELDS:

It couldn't --

LEG. BINDER:

They didn't make it under the eight-day rule.

LEG. FIELDS:

Why can't it wait until April 29th or 28th? What's the date? 29th. I'm still asking why is it a CN?

MR. JOHNSON:

Okay. It's a CN because this is something that we've been trying to get approved and passed, get the rules in place with regards to the process for this forfeiture law for quite sometime. It just got discharged out of committee. We're trying to make sure we don't lose anymore time in getting the law on the books, getting it effective. Each day that we're not here and this law is in effect, and the process is not defined and detailed, we're subject to action from various parties. We've worked this out with Legislator Towle over the past couple of weeks now.

LEG. FIELDS:

I don't agree that it needs a CN, then, so I'm not going to approve it.

P.O. POSTAL:

Legislator Alden, and then Legislator Towle.

LEG. ALDEN:

On the record, actually, Nassau County had their whole program thrown out, because they lacked what we're putting in with this. And we do risk on a daily basis. All we need is one of those defendants to tell their lawyer bring that -- bring that action, and our whole -- our whole program goes right out the tubes or right out the window and then we start from scratch. So, if we need to fix this, and I think I agree with Legislator Guldi, that I'd like to see this -- you know, the specificity go in here. I think what I'd like to see happen is pass this today, and then, if we can do a resolution right after this, and put in the rules and regulations.

LEG. GULDI:

Can I -- Fred's up.

P.O. POSTAL:

Legislator Towle, and then Legislator Guldi, and then Legislator Fields.

LEG. TOWLE:

I was going to ask -- Todd is correct, that the bill has been kept in committee. It was kept in committee, because there were a whole host of items that have been discussed. Counsel talked about one of them being the Police Department overseeing the hearings. We've talked about how the funding would be spent that is generated from the sale of these vehicles. We've talked about the process of seizure. We've talked about possibly expanding the law to include DUI's as

well as DWI's. There were a whole host of conversations that have been had over the last three or four months, approximately. I'm not sitting here looking at my calendar, but I think that's a safe bet to say that that was the time frame.

The bill was passed out of the committee, although one item was missing, as Todd pointed out, so that's why they're doing the issue of the CN tonight, as Todd also pointed out. I think, though, Todd, it's quite clear that you've got at least two or three Legislators that are concerned about the time frames, as Legislator Alden pointed out. And I think, if we want to move this tonight, the best piece of advice I could give you would be to include those time frames, and you'll probably pick up an extra couple of votes. You take the risk of it not passing tonight by not doing that.

The other thing I'm going to do is ask the Clerk's Office to include a copy of the letter that I received today as a backup to this resolution from the Department of Public Works. It is in reference to another issue that came up under the DWI Forfeiture Law, which allows some of these vehicles, as opposed to being spent, sold and funds collected to be transferred to County departments for the use of those departments, which indirectly could have a good cost savings to the County. And the Department of Public Works has opposed that, but now clearly understands the process, and had sent a letter indicating that. So I'd ask the Clerk's Office to attach that as a backup to anything that is approved today.

P.O. POSTAL:

All right.

MR. JOHNSON:

I'll get that, I'll get that letter.

LEG. FIELDS:

I think I'm next.

P.O. POSTAL:

Legislator Fields.

LEG. GULDI:

Yeah, see the --

LEG. FIELDS:

I would ask, if this is truly a CN and it's -- a CN to me is that it has to be passed rapidly, because it's timely, then I would recommend that the bill that we pass tonight, because it's rushed, is a bill that's corrected to reflect the specificity.

LEG. TOWLE:

Say that ten times fast.

LEG. ALDEN:

Close enough.

LEG. FIELDS:

The way that we want it to read, rather than passing it and then having to fix it, because then you really have wiped out the whole idea of a CN.

MR. JOHNSON:

No. Actually, as Legislator Alden had pointed out before, the issue we're trying to do is to get a plan in place that has the -- has the detail and addresses the issues, which were a fatal flaw possibly for the Nassau program. This has that. If you want --

LEG. FIELDS:

But it doesn't have all the details --

MR. JOHNSON:

But that's not --

LEG. FIELDS:

-- because you're saying you'll add those later, or that there's a possibility that they'll be added later. But, you know, if it's a CN, why can't you just bring it back, go get it changed, and then I think you might have all of us possibly agreeing to pass it tonight?

MR. JOHNSON:

Yeah. I don't know if that's a change that we're going to be able to make in one day. As I said, as it stands right now, as it's presented to you, it has all the elements it needs to survive the

type of attack and vulnerability that Nassau County's bill had. Okay? With regard to the specificity, that would be additional, and certainly, we would certainly pursue that, but that is not a fatal flaw to the bill right now. What's fatal to the bill right now is that it does not exist as a law, that's what's fatal to it.

LEG. GULDI:

Todd, if I may.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

And that is, with all due respect, that if you have the plan in place, if you know what the steps and the time lines are, the amendment to the bill is a 15-minute session at the word processor by someone who has the plan. If you can't do that in one day, it's because the plan isn't in place, and the passage of the bill by CN isn't going to change that fact. So, while I -- while, initially, when I asked to be recognized, I was going to ask you for a commitment to amend it by the 29th, but in reflecting on it and listening to you talk since then, it is instead --

MR. JOHNSON:

Did I make mistake by talking since then?

LEG. GULDI:

You've instead -- you've instead convinced me that I was right in the first place. Change the bill, put the plan in the bill. You're under a CN, you can do it now. Do it so we can adopt it and be done with it.

MR. JOHNSON:

Yeah. As I said, if that's the will of the Legislature, I don't think we're going to be able to get it changed now. What you're asking for, do you agree, Legislator Guldi, is not something that, while it may be necessary to get your support, is not something that is required with regards to the necessity to have the law in place?

LEG. GULDI:

See, I -- and that's an area where I'm not clearly convinced one way or the other on it. But I

suspect that a good lawyer could challenge this, the Commissioner shall develop regulations, as effectively as a bill that lacks a specific procedural due process articulation because of the lack of reasonable notice standard that's been articulated in the decision striking down the Nassau County and New York City plans. So, while I'm not certain that it would fall, I'm certain that if you put it in, it wouldn't.

P.O. POSTAL:

Anyone else? All right. There was a motion withdrawn.

MR. BARTON:

Yes.

P.O. POSTAL:

So, now --

LEG. HALEY:

I'll make the motion. I'll make the motion.

P.O. POSTAL:

All right.

LEG. ALDEN:

Second.

P.O. POSTAL:

So, we have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass.

MR. BARTON:

Allan. Legislators Binder, I didn't hear you.

LEG. BINDER:

Pass.

MR. BARTON:

Pass, okay.

LEG. BISHOP:

Pass, please.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Maybe. No. Yes, yes. Record me as a yes.

LEG. TOWLE:

It was funny the first time.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Abstain.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. BINDER:

Motion to table.

LEG. ALDEN:

No, let it go.

LEG. GULDI:

Second.

LEG. ALDEN:

Let it go.

LEG. GULDI:

Second.

LEG. ALDEN:

On the motion. I think what's clear here is that -- I think what's clear here is the Legislature does not want that program anymore, and so that's really the message you have to take back.

LEG. GULDI:

That's not the message.

LEG. ALDEN:

Do not say -- do not -- do not even attempt --

LEG. TOWLE:

Legislator Postal.

LEG. ALDEN:

-- to try to save that under -- you know, under the requirements of {Crimstock}. Don't even attempt it.

LEG. TOWLE:

Legislator Postal. Legislator Postal, on the tabling motion.

P.O. POSTAL:

I'm sorry.

LEG. TOWLE:

That's okay. I'm sorry. There was a motion and a second to table, although that's not necessary, since it's on the agenda, but I do want to speak since there's a motion, if I could. But I wanted to make sure Legislator Alden was finished.

LEG. ALDEN:

I'm done.

LEG. TOWLE:

It was a tabling motion, it wasn't called.

P.O. POSTAL:

All right. I'll vote for the tabling motion.

MR. BARTON:

All the Legislators haven't voted yet.

LEG. TOWLE:

Yeah, plus there Was a motion to table.

P.O. POSTAL:

I'll vote yes on the tabling motion.

LEG. TOWLE:

But I wanted to speak on the tabling motion before we voted.

P.O. POSTAL:

Certainly.

LEG. TOWLE:

Okay. You know, Todd, Todd, I guess the question is this. You can fix it now or you can fix it two weeks. If you want it approved now, you need to fix it.

MR. JOHNSON:

I'm told that we couldn't possibly fix it this very day.

LEG. TOWLE:

Okay.

MR. JOHNSON:

Unfortunately. I wish these questions had come up before in the committee process.

LEG. TOWLE:

So do I, but, you know, unfortunately, I can't predict what you're going to be asked the night of the meeting. I mean, it's --

MR. JOHNSON:

You, too. Okay.

LEG. TOWLE:

We had three months to talk about this. A lot of questions were asked and answered, but this wasn't one of them. And, obviously, it's not my question, but it's a legitimate question nonetheless.

MR. JOHNSON:

Well, I am certain that we can address it within two weeks.

LEG. TOWLE:

Okay.

MR. JOHNSON:

But, you know, the more time we're exposed here, the worse it is.

LEG. TOWLE:

So you're withdrawing the CN, did you say?

MR. JOHNSON:

No, no, the CN as presented.

LEG. GULDI:

Call the motion.

MR. JOHNSON:

As I said, we will work on the specif -- specificity issues. I'm having trouble now.

LEG. TOWLE:

Are you sure you don't want to withdraw that?

MR. JOHNSON:

By the 29th.

LEG. TOWLE:

As I said, are you sure you don't want to withdraw the CN, so you don't have a vote of the bill going down? But I won't tell you what to do.

LEG. LINDSAY:

There's a motion to table.

LEG. GULDI:

No. Motion to table.

MR. JOHNSON:

Well, you know, if you want to table it, that's fine.

LEG. GULDI:

No, it's not -- no, it's not tabled on the agenda. We skipped it on the agenda.

LEG. FOLEY:

There's a motion to table.

MR. BARTON:

Madam Chairman.

LEG. FOLEY:

There's a motion to table.

P.O. POSTAL:

Okay.

LEG. GULDI:

Call the question.

P.O. POSTAL:

Henry.

MR. BARTON:

Yes.

P.O. POSTAL:

What motion?

MR. BARTON:

I have a motion to table, but I want -- I have a question for Counsel. We're tabling 1080 as amended by the CN?

LEG. CRECCA:

The motion to table --

MR. BARTON:

Is that what we're --

MR. SABATINO:

The corrected copy is what would be tabled --

MR. BARTON:

The corrected copy, yes.

MR. SABATINO:

-- if there is ten votes.

MR. BARTON:

Okay. Yes, there's a motion and a second to table.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BISHOP:

This is to do what?

LEG. BINDER:

Table.

MR. BARTON:

Table.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No, to table.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

No, to table.

LEG. CARACCILO:

No, to table.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Table? No.

MR. BARTON:

Thirteen. (Not Present: Leg. Tonna)

LEG. CARPENTER:

Okay. Todd, next.

MR. JOHNSON:

Thank you for the time. Next resolution is the land acquisition bill that Tom Isles came here this morning to speak about. I hope he explained the reasons to sufficiency here.

LEG. TOWLE:

Hopefully, we have no questions.

MR. JOHNSON:

This is **1274 and 1275**, yes.

(1274 - Authorizing acquisition under Suffolk County Multifaceted Land Preservation Program (Quogue Wetlands, Greeff Property, Village of Quogue, Town of Southampton)).

(1275 - Authorizing acquisition under Suffolk County Multifaceted Land Preservation (Quogue Wetlands, Rich Property, Village of Quogue, Town of Southampton)).

LEG. TOWLE:

Motion to approve.

LEG. GULDI:

I'll make the motions, they're in my district.

MR. JOHNSON:

I think Legislator Guldi wants to cosponsor and would like to --

LEG. GULDI:

Yeah. And I understood I was the sponsor on the bills until they hit the floor today, too, so list me as a cosponsor, Henry.

LEG. TOWLE:

That will kill the bill for sure.

LEG. BINDER:

Do we have all the specificity?

LEG. GULDI:

Yes, we do.

LEG. BISHOP:

What's the --

LEG. GULDI:

In fact, both of these, if I may -- do I have a second?

LEG. CRECCA:

No, don't, don't, don't. We're all going to approve it.

LEG. BINDER:

I'm sorry. I'm sorry, I didn't mean that. Don't do it.

LEG. ALDEN:

Wait a minute. No, I'm going to -- I'm going to ask Legislator Guldi to, for my benefit anyway, to continue, and ad infinitum. I don't care how long it takes, I want to hear what he has to say on this.

LEG. GULDI:

Thank you.

LEG. ALDEN:

So, please, be as specific as possible on these two bills.

LEG. TOWLE:

He has a phone book here.

LEG. CRECCA:

For my benefit, I would ask you to be as brief as possible.

LEG. GULDI:

Legislator Alden, I'll be glad to fill your request.

LEG. ALDEN:

Thank you.

LEG. GULDI:

And then some. Both of these parcels are Dune Road, Quogue properties that are being -- that are here by CN, because the sellers, who are anxious to see them preserved, and who are selling to them to us, each at a substantial discount below their appraised value --

LEG. TOWLE:

Rock Bottom.

LEG. GULDI:

-- are anxious to have them closed. Both parcels are critical, because they fill an area where -- that they are surrounded by already preserved lands. They're a -- they're a dynamite acquisition. They're something that's been in the tube for a long time. I'm glad to see that they're finally here by CN, and we can -- we have an opportunity to vote on them. They rate very high on the preservation program, and they're just the kind of thing -- just the kind of opportunity we rarely get.

LEG. ALDEN:

Nothing else?

LEG. GULDI:

Any other specific questions?

LEG. COOPER:

No.

LEG. BISHOP:

How much?

LEG. ALDEN:

I have a list.

LEG. BISHOP:

I have a question.

LEG. TOWLE:

You're good to go.

LEG. BISHOP:

I'm familiar with the parcel from the planning steps resolutions, but the reason that we -- that we have two votes now is, under the old system, we would authorize it and then the Executive Branch would negotiate it and we would never see it again. This is being conducted under the new system, the reform system, whereby we authorize planning steps. The administration is, at that point, to go forward and negotiate a tentative deal and then come back to the Legislature for a second vote. This is the second vote, so this is the time that we ask how much? Does anybody know what the price is?

LEG. LINDSAY:

We had a presentation this morning.

LEG. GULDI:

Dave, it's in the bills. 1274 --

LEG. BISHOP:

Right. I'm not saying it's not in the bill.

LEG. GULDI:

The Open Space purchase price of \$800,000, of which 50% is coming from the Town of Southampton and Village of Quogue, and 50% shall be from the County. So our share is \$400,000 for that, four point acres of Dune --

LEG. BISHOP:

4.8 acres on Dune Road.

LEG. GULDI:

4.8 acres of Dune Road.

LEG. BISHOP:

Okay.

LEG. GULDI:

The other, 1275, the purchase price is a million-nine, again, 50% Town and Village, 50% County. It's 11.3 acres, and our share on a half of a million-nine would be -- half of a million-nine.

LEG. BISHOP:

And the land comes to us, it will be County, or we doing an adopt-a-park with them? So, it's 15 acres, though. Less than a million --

LEG. GULDI:

It's 15 acres in total of Dune Road, ocean -- of Dune Road, Quogue.

LEG. BISHOP:

Okay.

LEG. GULDI:

Frankly, the -- being familiar with the transaction prices in the areas, if the County doesn't want them at these prices, I have a guy in the parking lot who would be willing to take them and pay cash. I mean, these are extraordinary opportunities. That was sarcasm about the guy in the parking lot with the cash.

LEG. BISHOP:

I agree. Okay. My questions were answered.

P.O. POSTAL:

All right. All in favor? All in favor?

MR. BARTON:

Who's the second?

P.O. POSTAL:

I'm sorry?

MR. BARTON:

I have Legislator Guldi is making the motion..

P.O. POSTAL:

You have no second?

MR. BARTON:

No.

LEG. TOWLE:

Second.

MR. BARTON:

Thank you.

LEG. VILORIA-FISHER:

I'll second.

P.O. POSTAL:

All right. This is 1274, right? All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. POSTAL:

Okay, that's approved. Now, 1275, same motion, same second. All in favor?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. POSTAL:

That's approved. Okay.

MR. JOHNSON:

1299 (Transferring monies from the Department of Health Services 2002 adopted budget to reimburse the General Fund for indirect costs related to the Suffolk Health Plan).

P.O. POSTAL:

12 -- go ahead.

MR. JOHNSON:

Sorry. **1299, transferring monies from the Department of Health Services.** This would charge back to the General Fund \$906,000 that was accumulated expenses under the Suffolk County Health Plan. We're trying to get this money back to the General Fund before the books are closed for 2002, and the auditors are working on that right now, so this --

LEG. CARACCILO:

Counsel, could you -- could you elaborate further on this resolution?

MR. SABATINO:

Quite frankly, I can't. I was just -- I was just mentioning to the Presiding Officer, I think we should hear from the Budget people, because I'm not sure -- I'm not sure where these numbers are coming from.

LEG. CARACCILO:

Okay. Fred?

MR. POLLERT:

Fund 613 is not a taxing fund. The General Fund has provided services to Fund 613, and what this would do is it would transfer funds from Fund 613 back to the General Fund to reimburse it for expenses that they have provided to Fund 613, such as telephone and that type of stuff.

LEG. CARACCILO:

Is this a bona fide use of the transfer, Counsel?

MR. SABATINO:

Well, again, I really have to defer to the Budget people, because I'm not sure what's generating it. I'm not --

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Foley.

MR. SABATINO:

I mean, there's no -- I mean, there's no real backup to support it. The first I've heard of it was today, so I'm not in a position to say good, bad or indifferent, I just don't know.

LEG. CARACCIOLO:

That's a first.

MR. SABATINO:

Also, this is the -- this is the plan that the committee's been looking at very carefully. I mean, my --

LEG. FOLEY:

No, no, no, no, no, this is not EMHP, this is Suffolk Health Plan.

MR. SABATINO:

Okay.

LEG. FOLEY:

This is different. If I may, Madam Chair.

P.O. POSTAL:

Legislator Foley, please.

LEG. FOLEY:

Yeah. As part of the backup, Legislator --

P.O. POSTAL:

Could we please have a little quiet? It's very difficult to hear. This is a long meeting, we're getting to the end of it. Let's just try to maintain some order here.

LEG. FOLEY:

Thank you, Madam Chair. The backup, there's a letter from the Acting Commissioner who has requested this particular Certificate of Necessity, and -- although, I must say this, and through the Chair, maybe I can ask Ken, the letter requesting the CN from the Acting Commissioner is very, very brief. Is there any other background? I mean, as I read it, this is all in keeping with the purpose of the transfer. But why is there a need by the Health Department to have this transfer occur now as opposed to having to go through committee and we can vote on it the 29th? Perhaps, even Fred could --

MR. POLLERT:

Yeah. The reason that it would have to occur is that the County is trying to close the books on 2002 and this is a 2002 chargeback.

LEG. FOLEY:

Okay

MR. POLLERT:

I spoke with the Department of Audit and Control. They would like to have the chargeback occur, so that they can tell the independent auditors that it has actually happened.

LEG. FOLEY:

So they're in concurrence, Audit and Control, to move forward with this?

MR. POLLERT:

Yes, that is correct.

LEG. FOLEY:

And your budget analyst for the department who analyzed the budgets for the Health Department, they're not -- they don't disagree with this proposed CN or --

MR. POLLERT:

Yes, that's correct.

LEG. FOLEY:

Okay.

P.O. POSTAL:

Okay. We have --

LEG. FOLEY:

And you see no reason why we can't support it tonight?

MR. POLLERT:

No.

LEG. FOLEY:

Okay. Thank you.

P.O. POSTAL:

We have a motion and a second, Henry?

LEG. GULDI:

On the motion.

MR. BARTON:

Not yet, no.

P.O. POSTAL:

No motion? I'll make a motion.

LEG. VILORIA-FISHER:

I'll make a -- oh, I'll second.

P.O. POSTAL:

Second by Legislator Fisher.

LEG. GULDI:

On the motion.

P.O. POSTAL:

On the motion, Legislator Guldi.

LEG. GULDI:

Yeah. Fred, has someone gone through this to determine -- I mean, looking at the backup, there's a letter talking that the cost of services has been determined to be 636,355. By who and for what?

MR. POLLERT:

I spoke to John D'Amico in the Department of Audit and Control who's in charge of Accounting Services. He had indicated that this was a legitimate chargeback. I would imagine that either the independent auditors, when they closed the books, felt that there needed to be this chargeback.

LEG. GULDI:

All right. Maybe someone can explain to me the impact. Suffolk Health Services, Health Plan is funded by -- ultimately, what's its source of funding, is there a general -- what supports the program?

MR. POLLERT:

Primarily, State Aid through per capitated managed health care charges.

LEG. GULDI:

Okay. What does this \$906,810 transfer do to the -- what's it leave in the account?

MR. POLLERT:

The fund balance of the account should be approximately 9 million dollars. We did a transfer from the fund balance to fund health centers for 2003, which brought it down by approximately 1.2 million dollars, and this is going to bring it down by another \$906,000.

LEG. GULDI:

Okay. And so -- and last year, how much did we spend and how much do we anticipate requiring for the balance of this year in that fund? What's the program going to cost? What's our revenue from the State on this?

MR. POLLERT:

The County is always -- tends to be overly optimistic with respect to the revenues that are coming in, because our enrollment has always been lower than what we had anticipated. But the expenses are calibrated to what the revenues are and the number of enrollees that we have. I believe that last year the revenues were in the neighborhood of about 12 to 14 million dollars on this account, I believe.

LEG. FOLEY:

The Surplus was twelve -- just quickly, the surplus was about 12 million dollars. Before we approved the other resolution earlier this year, Marchese gave us an updated number. It was closer to 18 million dollars in surplus monies, if we included at the end of last year's number and the additional five. So, it's not so much nine would be left after this resolution, it's actually anywhere from 12 to 13 million that would still be in the fund, I believe.

LEG. GULDI:

For the fund, it would be -- which will be --

LEG. FOLEY:

It's very healthy.

P.O. POSTAL:

Could we --

LEG. GULDI:

The fund will be adequate.

P.O. POSTAL:

Excuse me. Could we just let Fred respond?

MR. POLLERT:

Right. But what's important to bear in mind is that the fund has to have a fund balance, because the primary provider is the Suffolk County health clinics. If an individual who's covered under the per capitated reimbursement rate has to go to an emergency room, or has to go into Sloan Kettering, or has a specialty type of procedure, it's the fund balance that pays for the out-of-clinic services. So you can't bring down the fund balance much, probably below 7 or 8 million dollars. What this does, though, is it appropriately charges the fund for services that were provided to it by the Health Department.

LEG. GULDI:

Okay. But the -- in terms of the actual computation for the services, you and Budget Review made no verification of that, you're relying on the analyst in the Budget Office?

MR. POLLERT:

The Department of Audit and Control.

LEG. GULDI:

Audit and Control, not the Budget Office.

MR. POLLERT:

That's correct.

LEG. GULDI:

Okay. Thank you.

P.O. POSTAL:

Okay? We have a motion and a second. All in favor? Opposed? I hope there are 12 of us in the room.

LEG. CARACCILO:

Abstention.

MR. BARTON:

17, 1 not present.

LEG. CARACCILO:

Henry.

P.O. POSTAL:

Thank you.

LEG. CARACCILO:

Abstention.

MR. BARTON:

Oh, I'm sorry, I didn't hear the abstention.

P.O. POSTAL:

1299 is approved.

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: Leg. Tonna)

P.O. POSTAL:

Okay. Todd?

MR. JOHNSON:

Resolution 1300 (Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susie Morrell Blake 0100-165.00-03.00-015.000). This is authorizing a sale, Local Law 16, concerning a Susie Morrell Blake. This is three Hatcher Court down in the Amityville area. This is to facilitate the sale of the property that's needed. This is I think a blighted piece of property down in the Babylon area. The potential buyer is getting a little skittish, and at the request of the Legislator, we've been asked to move this forward.

P.O. POSTAL:

I'll make a motion to approve.

LEG. GULDI:

Second.

P.O. POSTAL:

It's my district.

P.O. POSTAL:

Yes.

LEG. BISHOP:

Oh, it's your district.

P.O. POSTAL:

Yes. It's Hatcher Court.

LEG. GULDI:

Yeah. There's no one's here from the Real Estate Division. I see that the County took the deed March 8th, 2002, and it's a redemption -- it would, therefore, be a redemption of right as timely, would it not, Counsel?

MR. SABATINO:

Yes, it's a redemption of right.

P.O. POSTAL:

I will say that I believe there's an option that the owners have to sell this property. But I will also say that, apparently, the people who are living there now who are renters have been engaging in, if not some illegal activities, some highly questionable activities, which have had a very negative impact on the rest of the neighborhood, so I would like to see this approved.

D.P.O. CARACAPPA:

Second.

LEG. GULDI:

Motion and a second.

P.O. POSTAL:

There is a motion and a second. All in favor?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. POSTAL:

Okay. The next one is 1302, Todd?

MR. JOHNSON:

Yes. **1302 (Making certain technical corrections to Resolution No. 123-2203)** is a technical correction that corrects the resolution we eluded to a little earlier regarding the Suffolk County Health Plan and refunding the health centers. There was just a significant typo missing there, an interfund transfer line, which technically needs to be in the resolution when it was adopted and was not.

LEG. FOLEY:

Right.

MR. JOHNSON:

So at the behest of -- at the request of BRO, we are presenting the CN.

LEG. FOLEY:

Right, it's a technical correction. Motion.

LEG. VILORIA-FISHER:

Second.

LEG. GULDI:

Second.

P.O. POSTAL:

Motion by Legislator --

LEG. CRECCA:

Budget Review, have you looked at this?

MR. POLLERT:

Yes, we have. The problem is that the Department of Audit and Control wanted to see the "from" and "to" on the resolution and that was not included in the resolution.

P.O. POSTAL:

Okay. There's a motion and a second. All in favor?

LEG. FOLEY:

Ay.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Tonna)

P.O. POSTAL:

Approved. Todd, 1303. This is --

MR. JOHNSON:

1303.

P.O. POSTAL:

I'm not going to allow this as a CN.

MR. JOHNSON:

I'm just going to say -- well --

P.O. POSTAL:

Okay.

MR. JOHNSON:

-- I think it's at the County Executive's discretion, but we're going to withdraw this. In the spirit of the issues that have been brought up today, we're going to withdraw this resolution.

P.O. POSTAL:

Now, let's go to the memorializing resolutions. Sense 13, motion --

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

Yes.

LEG. TOWLE:

Would you suffer an interruption for a second?

P.O. POSTAL:

Certainly.

LEG. TOWLE:

We did pass that one resolution on the Public Safety agenda.

P.O. POSTAL:

Yeah.

LEG. TOWLE:

We had left that open.

P.O. POSTAL:

Yeah.

LEG. TOWLE:

Could we just go back and table that, I guess? It was the DWI forfeiture law. We had past it over, because I was waiting for that letter from DPW.

P.O. POSTAL:

I thought we tabled it.

MR. BARTON:

Legislator Towle, you tabled the --

P.O. POSTAL:

We tabled it.

MR. BARTON:

-- corrected copy.

LEG. GULDI:

Tabled it with a CN.

MR. BARTON:

CN.

P.O. POSTAL:

We had a CN and we tabled it.

LEG. TOWLE:

CN as well, it's the same?

P.O. POSTAL:

Yes, same one.

LEG. GULDI:

It's for the same number of --

LEG. TOWLE:

Okay, thanks. That's fine.

SENSE RESOLUTIONS

P.O. POSTAL:

Okay. **Sense 13 (Memorializing resolution requiring the Board of Elections to allow the members of minor parties to serve as election inspectors).** Motion by Legislator Bishop. Legislator Bishop, am I right, motion to approve?

LEG. VILORIA-FISHER:

Second.

LEG. GULDI:

Cosponsor.

P.O. POSTAL:

Second by Legislator Fisher. Legislator Guldi would like to be listed as a cosponsor. Just before we vote, I will point out that the Board of Elections does permit the members of minor parties to serve as election inspectors. As a matter of fact, they generally don't have enough elections inspectors and they're recruiting people.

LEG. BISHOP:

On the motion, though, I want to point out that the Board of Elections is violating the Election Law, because the statute is very clear, that it says from the two major political parties. And in my conversation with several leaders of minor parties, duly elected County leaders I've minor parties, they have never been canvassed to find election inspectors as has the major party leaders. So I appreciate what the Board of Elections is saying and I'm glad that they do that.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

Okay. **Sense 14, memorializing resolution requesting Federal Government to mitigate state and local fiscal crisis.** Approved 6-1. Legislator Caracciolo, motion to approve, I assume.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

17, 1 not present.

P.O. POSTAL:

Sense 15, memorializing resolution requesting the State of New York to enact the Model Drug Dealer Liability Act. Approved --

LEG. ALDEN:

This would indemnify and hold harmless drug dealers?

P.O. POSTAL:

Legislator Towle, we're intrigued.

LEG. TOWLE:

I'll let Counsel --

P.O. POSTAL:

Would you like to explain this?

LEG. TOWLE:

I'll let Counsel address Legislator Alden's comments. I wouldn't even dignify it with a response.

LEG. ALDEN:

Thank you.

LEG. GULDI:

You just did. It was a response.

MR. SABATINO:

What it's going to do is it will establish the authority, if the State Legislature passes it, for individuals to bring civil actions against those responsible for their injuries, whether they be personal or property damage in nature, against responsible parties, and it will basically use the market liability theory, which has been used in a lot of the drug cases, which means you don't specifically have to identify the causal relationship between a particular company and your injury, or particular individual and your injury, but just establish the market share that that

party provided.

P.O. POSTAL:

Okay. We have a motion and a second, I believe, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor?

MR. BARTON:

No, I'm sorry.

P.O. POSTAL:

No, we don't have a motion and a second.

MR. BARTON:

My fault.

P.O. POSTAL:

Motion by Legislator Towle, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

Now we have a **Home Rule Message requesting New York State Legislature to extend time and benefits to County employee, Giustina R. Lombardi.** Legislator Haley?

LEG. FOLEY:

He's not here.

LEG. GULDI:

Motion.

LEG. FOLEY:

I'll make the motion.

LEG. BINDER:

I'll make the motion for him.

LEG. GULDI:

Motion.

P.O. POSTAL:

Well, you're going to make the motion to approve, Legislator Foley?

LEG. FOLEY:

Yes.

P.O. POSTAL:

Seconded by Legislator Binder. Okay. Would you explain this to us, Mr. Sabatino?

MR. SABATINO:

This has become almost an annual exercise. This is the eleventh straight year this individual has sought to get relief. Basically, she's asking to get Tier II status under the State Employee Retirement System, and if the legislation were to be adopted at the State level in response to the home rule message, then she would qualify for Tier II status in terms of her retirement benefits, because she retired years ago.

LEG. CARACCILO:

She retired?

LEG. TOWLE:

Oh, yeah.

MR. SABATINO:

Yes.

LEG. CARACCILO:

She's retired? This employee's retired?

MR. SABATINO:

She -- Her allegation is that in 1975, when she first joined the -- when she first joined the system, she was not made aware of the -- she was not made aware of the proper forms to be filed, or whatever, and that's why she didn't get her Tier II status, and that's the allegation.

P.O. POSTAL:

Mr. Sabatino, is this going to incur any cost for the County? Or I'd ask Mr. Pollert, if he would like to.

MR. SABATINO:

Yes. It's a \$68,000 lump sum payment, plus \$1,000 per year, plus 3% -- 3% County contribution based on the individual's salary.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Where did the employee work and what was the -- what type of service did they provide?

MR. SABATINO:

That I don't know.

LEG. CARACCILO:

I heard the Chair --

MR. JOHNSON:

She's still working.

LEG. CARACCILO:

Yeah, that's what I thought. Okay. She's still on the payroll, she is not retired.

P.O. POSTAL:

Okay.

LEG. CARACCILO:

Okay?

P.O. POSTAL:

Do we have a motion?

LEG. TOWLE:

Yeah, motion.

P.O. POSTAL:

We have a motion to approve and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

Yes.

LEG. HALEY:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCILO:

Abstain.

LEG. CARACAPPA:

(Not Present)

LEG. CRECCA:

He voted the same way Marty did.

P.O. POSTAL:

No.

LEG. CRECCA:

Yes.

LEG. CRECCA:

Motion to table.

LEG. BINDER:

No, it has ten.

MR. BARTON:

Ten.

LEG. CRECCA:

Never mind, I withdraw my motion. I figured I take --

LEG. TOWLE:

I've got to get you a calculator.

LEG. CRECCA:

I wasn't going to take a chance, that's all.

P.O. POSTAL:

Home Rule Message is approved.

LEG. GULDI:

Andrew, if you use your fingers, you won't get in trouble like that.

P.O. POSTAL:

We have some late-starters. I have a motion from Legislator Foley, seconded by Legislator Binder, to lay the following resolutions on the table, waive the rules and lay the following resolutions on the table: **I.R. 1297 (Establishing Reporting Policy for delivery of Social Services to non-residents)**, assigned to Social Services. Actually, the name of the committee is now Human Services. 1297, which is in your packet, is not a corrected -- is an updated version, so, please, make sure that you have the updated version.

LEG. FOLEY:

Yep.

P.O. POSTAL:

1298 (Authorizing Cultural Affairs agreement funding for 2003), assigned to Parks.

LEG. FOLEY:

Where is that one?

P.O. POSTAL:

It should be in there. **1301 (Adopting Local Law No - 2003, a Local Law to exempt shooting ranges from Suffolk County Noise Control)**, assigned to Parks, and the public hearing is set for April 29th at 5:30 p.m. Sense 29. Yeah these -- okay. Let's do those first. Okay. We had a motion and a second. All in favor? Opposed? Now, I'm making a motion to waive the rules and lay on the table **Sense 29** and **Sense 30**, which are before you, seconded by Legislator Crecca. All in favor?

LEG. FOLEY:

What are the titles, please?

P.O. POSTAL:

The first is **29, is memorializing resolution calling for the Governor and the State Legislature to cap Medicaid now**. Second one is **Memorializing Resolution calling on the**

President and the United States House of Representatives to support an increase in the Federal Medical Assistance Percentage to provide New York counties with Medicaid relief.

LEG. FOLEY:

Right on.

P.O. POSTAL:

So we have a motion and a second. All in favor? Opposed?

LEG. BINDER:

Motion was just lay on the table.

P.O. POSTAL:

It's just to lay on the table.

MR. BARTON:

It's approved.

P.O. POSTAL:

Okay, approved. We are now going go into executive session.

LEG. VILORIA-FISHER:

Madam Chair.

P.O. POSTAL:

Yeah.

LEG. VILORIA-FISHER:

I have two procedural motions. They're in the packets.

P.O. POSTAL:

Okay. Procedural --

LEG. VILORIA-FISHER:

Procedural Motion 2.

P.O. POSTAL:

Okay. Which is?

LEG. VILORIA-FISHER:

It's a procedural motion authorizing the Clerk of the County Legislature to consent to Village of Old Field taking lead agency status under SEQRA for subdivisions of certain lands.

P.O. POSTAL:

Okay. There's a --

LEG. VILORIA-FISHER:

And I make a motion to approve.

P.O. POSTAL:

Oh. Well, can I ask you to explain?

LEG. VILORIA-FISHER:

I'm going to ask Counsel to explain, because this is -- I had put in a procedural motion in January for Old Field. They're redoing their whole -- the whole way that they're looking at zoning and planning, and so they're doing these procedural motions one at a time, it seems, to the lead agency.

MR. SABATINO:

Real briefly, the Village of Old Field is actually following the SEQRA statute, which is that they -- in order to take the lead agency status on the amendments they're proposing to their code, they have to get deference from affected parties. In this case, it happens to be the County of Suffolk. The only way the Legislature can take an action is to authorize the Clerk to basically defer. The reason that they're separate motions are because they're amending different chapters of their ordinance. This is the -- happens to be the second and third chapters that they're amending, so we have to have separate votes.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

15, 3 not present. (Not Present: D.P.O. Caracappa, Leg. Haley and Leg. Tonna)

P.O. POSTAL:

Okay. **Procedural Motion Number 3 (Authorizing Clerk of the County Legislature to consent to Village of Old Field taking lead agency status under SEQRA for zoning).**
Same motion, same second, same vote.

LEG. VILORIA-FISHER:

Thank you.

MR. BARTON:

15, 3 not present. (Not Present: D.P.O. Caracappa, Leg. Haley and Leg. Tonna)

P.O. POSTAL:

Okay. We're going to now go into an executive session for the purpose -- well -- and I will accept a motion from --

LEG. TOWLE:

Second the motion.

P.O. POSTAL:

-- From Legislator Towle, seconded by Legislator Carpenter, to go into executive session for the purpose of discussing the response to a lawsuit brought by Loren -- is that Montano, Philip Ramos, Leonard Fillyaw and Luis Rivera against Suffolk County regarding reapportionment, and approve the presence of Bob Cabble from the County Attorney's Office, the Budget Review Office, Paul Sabatino, II, Elie Mystal, Linda Burkhardt and Ivan Young, as well as the members of the Legislature.

LEG. BISHOP:

There appears to be another attorney there.

P.O. POSTAL:

Oh.

MS. DEJONG:

Jeltje DeJong.

P.O. POSTAL:

And County Attorney's Office. Okay.

MR. BARTON:

It's approved 15-3. (Not Present: D.P.O. Caracappa, Leg. Haley and Leg. Tonna)

P.O. POSTAL:

Would everyone not named please leave the room, and, everyone, please turn off your microphones. Oh, we didn't get a motion. All in favor? Opposed?

MR. BARTON:

15-3. It's approved. (Not Present: D.P.O. Caracappa, Leg. Haley and Leg. Tonna). Madam Chair.

P.O. POSTAL:

Yes.

MR. BARTON:

Do you anticipate needing the stenographer after the executive session?

P.O. POSTAL:

Just to adjourn the meeting.

MR. SABATINO:

I mean, we don't know. Hold onto somebody. I doubt it, but I don't know.

***[EXECUTIVE WAS HELD FROM 6:15 P.M. TO 7:10 P.M., AND THE MEETING WAS
ADJOURNED AT 7:10 P.M.]***

{ } Indicates Spelled Phonetically